

THURSDAY, APRIL 3, 1986

EIGHTY-SIXTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Brother Bobbie D. Wilhite, Doyle Church of Christ, Doyle, Tennessee.

Representative Hillis led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 96

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 333,

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1326, 1340, 1365, 1367, 1375, 1396, 1448, 1510, 1511, 1525, 1526, 1582, 1595, 1622, 1635, 1636, 1637, 1659, 1662, 1674, 1720, 1740, 1742, 1798, 1806, 1820, 1916, 1939, 1970, 1982, 1999, 2005, 2014, 2021 and 2022; and House Joint Resolutions Nos. 587, 588, 589, 598, 599, 633 and 634; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 333, 1183, 1204, 1288, 1297, 1326, 1340, 1365, 1367, 1375, 1392, 1396, 1403, 1415, 1448, 1498, 1510, 1511, 1512, 1525, 1526, 1555, 1582, 1595, 1622, 1635, 1636, 1637, 1659, 1662, 1674, 1685, 1695, 1701, 1720, 1740, 1742, 1798, 1806, 1818, 1820, 1889, 1916, 1939, 1970, 1982, 1999, 2005, 2014, 2021 and 2022; and House Joint Resolutions Nos. 572, 573, 574, 575, 576, 578, 581, 582, 583, 586, 587, 588, 589, 593, 598, 599, 611, 633 and 634 with his approval.

WILLIAM H. INMAN,
Counsel to the Governor.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

1218--To enact Tennessee Business Corporation Act;

1842--To enact Local Government Public Obligations Act; both passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1259, 1272, 1275, 1345, 1347, 1504, 1543, 1544, 1580, 1606, 1619, 1669, 1694, 1775, 1785, 1801, 1980, 1994, 1997, 2009, 2020, 2027, 2028, 2033, 2035 and 2037; House Resolution No. 127; and House Joint Resolutions Nos. 197 602 and 603; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1211, 1262, 1263, 1506, 1592, 1699, 1841, 1847 and 2016; also, Senate Joint Resolutions Nos. 272 and 304; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1326, 1346, 1348, 1410, 1412, 1663, 1702 and 1871; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 1211, 1262, 1263, 1326, 1346, 1348, 1410, 1412, 1506, 1592, 1663, 1699, 1702, 1841, 1847, 1871 and 2016; Senate Joint Resolutions Nos. 272 and 304; House Bills Nos. 1259, 1272, 1275, 1345, 1347, 1504, 1543, 1544, 1580, 1606, 1619, 1669, 1694, 1775, 1785, 1801, 1980, 1994, 1997, 2009, 2020, 2027, 2028, 2033, 2035 and 2037; House Joint Resolutions Nos. 197, 602 and 603; and House Resolution No. 127.

STATEMENT ON SENATE BILL NO. 790

MR. SPEAKER: I would like to record my opposition to Senate Bill No. 790. Had I been present in the Chamber at the time of the vote, I would have voted "No" on this bill.

DAN TANKERSLEY

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1200--To add additional members, Civil Service Merit Board, Shelby County;

1251--To continue housing development agency, board of directors;

1255--To continue board of examiners for mines;

1868--To amend Section 68-23-215, Code; all substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

- 1011--To set penalty, false advertising, bonding credentials;
- 1192--To make certain provisions, motor vehicle registration;
- 1246--To continue alcoholic beverage commission;
- 1588--To amend Title 55, Code, to define autocycle;
- 1661--To make certain provisions, highway rights-of-way;
- 1670--To regulate suretyship agreements;
- 1686--To make certain provisions, beneficiaries, retirement;
- 1769--To enact Cosmetology Act of 1986;
- 1799--To make certain provisions, rivers, lakes and streams;
- 1912--To provide for payment of supplements, certain educators;
- 1992--To make certain provisions for the blind;
- 2019--To create office of county attorney, Madison County;
- 2024--To make certain provisions, Medicaid services;
- 2029--To enact budget and accounting system, Madison County;
- 2030--To repeal Chapter 174, Private Acts, 1957;
- 2031--To repeal Chapter 533, Private Acts, 1939;
- 2032--To repeal Chapter 123, Private Acts, 1933; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

- 1265--To provide out-of-state tuition, certain education institutions;
- 1449--To regulate possession, certain wildlife;

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1639--To set provisions, recovery of missing children;

1769--To regulate Tennessee Motor Vehicle Commission;

1904--To provide funding, teacher's aide positions;

1911--To regulate operation, bingo;

2047--To regulate sale of alcoholic beverages, certain museums and zoos;

2048--To regulate planning, Milan; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

325--Relative to commending Senator Ben Longley; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORTS OF STANDING COMMITTEES

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1221, 1463 (with amendment), 1578 (with amendment), 1653, 1692, 1723, 1724, 1951 (with amendment), 1955 (with amendment), 2026 (with amendment) and 2048.

BRAGG, Chairman.

Under the rules, House Bills Nos. 1221, 1463, 1578, 1653, 1692, 1723, 1724, 1951, 1955, 2026 and 2048 were transmitted to the Committee on Calendar and Rules.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules begs leave to report that we have set the following additional bill on the Consent Calendar for Thursday, April 3, 1986: House Bill No. 2048.

GILL, Chairman.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

1936--To exempt certain items, Business Tax Act;

1982--To create State Capital Commission;

2011--To regulate levy of local sales tax; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

317--Relative to sympathy, Orland N. Randles, Sr.;

326--Relative to congratulating "Benton County Sesquicentennial Year"; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1682--To extend deadline for certain notice, local governments;

1731--To make certain provisions, notaries public; both substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

608--Relative to honoring Mrs. Alice Foster;

612--Relative to memory, Dr. G. Fox Monroe;

613--Relative to memory, Wirt Gammon;

614--Relative to honoring Mayor G. W. White;

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615--Relative to honoring Mary Jane Pendley;

616--Relative to memory, Anna Mae McCord;

617--Relative to commending George Connor;

628--Relative to commending the Bill Rice Ranch comping ministry;
all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to the House, House Bill No.:

1744--To make certain provisions, auto registration plates;
substituted for Senate Bill on same subject, amended, and passed by
the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CALENDAR

Mr. Naifeh moved that House Bill No. 1938 be placed on the
Calendar for Thursday, April 10, 1986, which motion prevailed.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens,
Speaker pro tem.

House Bill No. 1883--To tax persons using U.S. property.

Mr. Hurley moved that House Bill No. 1883 be passed on third and
final consideration.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1883 by adding the following new section
immediately preceding the last section and by renumbering the
subsequent section accordingly:

SECTION _____. The provisions of this act shall only apply to
any county having a population in excess of forty-three thousand
(43,000) according to the 1980 federal census of population or
any subsequent federal census.

On motion, the amendment was adopted.

Mr. Wheeler moved to amend as follows:

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AMENDMENT NO. 2

Amend House Bill No. 1883 by inserting between the second and third sentences of Section 2 the following:

The taxes due and payable for the 1986 tax year shall be prorated for the portion of the year following the effective date of this act.

On motion, the amendment was adopted.

Mr. Wheeler moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1883 by inserting the following new section before the effective date section and by renumbering the effective date section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1883, as amended, passed its third and final consideration by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

Representative present and not voting was: Cobb--1.

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A motion to reconsider was tabled.

House Bill No. 1736--To make certain provisions, teachers' leave.

Mr. Davis (Gibson) moved that House Bill No. 1736 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

On motion of Mr. Rhinehart, House Bill No. 1361 was withdrawn from the House.

House Bill No. 1165--To provide reimbursement for expenses, county officials.

Mr. Whitson moved that House Bill No. 1165 be passed on third and final consideration.

Mr. Swann moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1165 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties have a population of:

nor less than

77,700

nor more than

77,800

49,275

49,375

according to the 1980 federal census of population or any subsequent federal census.

On motion, the amendment was adopted.

Mr. McCroskey moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1165 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than 88,700 nor more than 88,800 according to the 1980 federal census or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Webb moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1165 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population of:

nor less than

nor more than

41,800

41,900

7,400

7,450

according to the 1980 federal census of population or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Crain moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 1165 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties have a population of:

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nor less than

nor more than

24,500

24,560

20,300

20,400

according to the 1980 federal census of population or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Davis (Gibson) moved to amend as follows:

AMENDMENT NO. 5

Amend House Bill No. 1165 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties have a population of:

nor less than

nor more than

49,400

49,500

34,600

34,700

14,940

15,000

according to the 1980 federal census of population or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Whitson moved that House Bill No. 1165 be placed on the Calendar for Thursday, April 10, 1986, which motion prevailed.

Mr. Bragg moved that House Bill No. 1986 be placed on the Calendar for Thursday, April 10, 1986, which motion prevailed.

House Bill No. 1755--To enact the Local Government Public Obligations Act.

On motion, House Bill No. 1755 was made to conform with Senate Bill No. 1842.

On motion, Senate Bill No. 1842, on same subject, was substituted for House Bill No. 1755.

Mr. Bragg moved that Senate Bill No. 1842 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes	97
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

House Bill No. 1890--To regulate state funded teachers' aide.

On motion, House Bill No. 1890 was made to conform with Senate Bill No. 1904.

On motion, Senate Bill No. 1904, on same subject, was substituted for House Bill No. 1890.

Mr. Bragg moved that Senate Bill No. 1904 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

Representatives voting no were: Chiles and Gaia--2.

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A motion to reconsider was tabled.

House Bill No. 1983--To provide for appointment of monitors, certain health facilities.

On motion, House Bill No. 1983 was made to conform with Senate Bill No. 1890.

On motion, Senate Bill No. 1890, on same subject, was substituted for House Bill No. 1983.

Ms. Montgomery moved that Senate Bill No. 1890 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensey, Gafford, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

House Bill No. 1600--To provide for costs, work release program.

Mr. McAfee moved that House Bill No. 1600 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1600 by inserting the words "who has been convicted of a misdemeanor" between the words "program" and "shall pay" in the first sentence of the amendatory language of Section 1.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

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AMENDMENT NO. 2

Amend House Bill No. 1600 by inserting the words "or felony" immediately following the word "misdemeanor" in the amendatory language of Section 1.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1600, as amended, passed its third and final consideration by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Frensey, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Resolution No. 126--Relative to honoring Houston L. Herndon.

House Joint Resolution No. 605--Relative to naming certain bridge to honor Leonard Joseph Kirkpatrick.

House Joint Resolution No. 627--Relative to honoring Gill Gideon.

House Joint Resolution No. 635--Relative to designating May 4 as "Ramp Festival Day".

House Joint Resolution No. 636--Relative to honoring Mt. Juliet High School girls' basketball team.

House Joint Resolution No. 639--Relative to honoring Avon William Rollins, Sr.

House Joint Resolution No. 640--Relative to congratulating Frank Hughes High School girls' basketball team.

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House Joint Resolution No. 641--Relative to congratulating Memphis State University men's basketball team.

House Joint Resolution No. 642--Relative to congratulating Memphis State University Pompom Girls.

House Joint Resolution No. 645--Relative to honoring Oneida High School football team.

House Joint Resolution No. 646--Relative to honoring Pickett County High School girls' basketball team.

House Joint Resolution No. 647--Relative to honoring Sherelle Warren.

House Joint Resolution No. 648--Relative to honoring James L. Rippey.

House Joint Resolution No. 650--Relative to honoring Chuckey-Doak High School boys' basketball team.

House Joint Resolution No. 651--Relative to honoring South Greene High School girls' basketball team.

House Joint Resolution No. 654--Relative to honoring Hampton High School boys' basketball team.

House Joint Resolution No. 655--Relative to commending Sue Lee Talent.

House Joint Resolution No. 637--Relative to honoring Ben Barker.

House Joint Resolution No. 656--Relative to honoring Unicoi High School boys' basketball team.

House Joint Resolution No. 657--Relative to honoring Unicoi High School girls' basketball team.

House Joint Resolution No. 659--Relative to honoring William B. Dunavant, Jr.

House Joint Resolution No. 560--Relative to renaming the Cockrill Bend Bridge.

House Bill No. 2049--To amend Charter, Manchester.

House Bill No. 2050--To set compensation, mayor and aldermen, Brownsville.

House Bill No. 2051--To regulate garbage collection, Hamilton County.

House Bill No. 2053--To regulate Kenton Special School.

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House Bill No. 2034--To authorize dog and cat control program, Washington County.

House Bill No. 1764--To set fine, purchase of alcoholic beverages for a minor.

On motion, House Bill No. 1764 was made to conform with Senate Bill No. 1598.

On motion, Senate Bill No. 1598, on same subject, was substituted for House Bill No. 1764.

House Bill No. 2001--To make certain provisions, Emergency Communications Districts.

On motion, House Bill No. 2001 was made to conform with Senate Bill No. 2003.

On motion, Senate Bill No. 2003, on same subject, was substituted for House Bill No. 2001.

House Bill No. 2043--To revise and codify general and public statutes.

On motion, House Bill No. 2043 was made to conform with Senate Bill No. 2040.

On motion, Senate Bill No. 2040, on same subject, was substituted for House Bill No. 2043.

House Joint Resolution No. 622--Relative to urging transfer of certain property.

House Joint Resolution No. 504--Relative to study, course in breast self-examination, high schools.

House Bill No. 2048--To amend Chapter 54, Public Acts, 1985.

House Bill No. 2044--To regulate coon dog training, Tipton County.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Davidson,

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Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

BILL RECALLED

On motion of Mr. Hillis, Senate Bill No. 308 was recalled from the Senate for further consideration.

House Bill No. 1879--To make certain provisions, juvenile courts.

On motion, House Bill No. 1879 was made to conform with Senate Bill No. 1861.

On motion, Senate Bill No. 1861, on same subject, was substituted for House Bill No. 1879.

Ms. Patterson moved that Senate Bill No. 1861 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

House Bill No. 1743--To amend Retailers' Sales Tax Act.

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Mr. Bragg moved that House Bill No. 1743 be passed on third and final consideration.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1743 by deleting Section 1 in its entirety and substituting instead the following new Section 1;

SECTION 1. Tennessee Code Annotated, Section 67-6-102 (8) (A), is amended by inserting after the words "principal business" and before the words "either within" the following words:

or who engages in the fabrication or processing of materials into trusses, window units or door units for resale as part of the principal business of the sale of building supplies

On motion, the amendment was adopted.

Thereupon, House Bill No. 1743, as amended, passed its third and final consideration by the following vote:

Ayes	91
Noes	0
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

Representatives present and not voting were: Lawson and Swann --2.

A motion to reconsider was tabled.

House Bill No. 1546--To regulate transportation of live wildlife.

On motion, House Bill No. 1546 was made to conform with Senate Bill No. 1449.

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On motion, Senate Bill No. 1449, on same subject, was substituted for House Bill No. 1546.

Mr. Moore moved that Senate Bill No. 1449 be passed on third and final consideration.

Mr. Moody moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1449 by deleting the words "or be imprisoned for not more than six (6) months, or both" in Section 14(a).

AND FURTHER AMEND by deleting the words "any officer of the agency, in an ex parte proceeding, upon showing to the court the necessity of immediate action, may petition the court for a seizure order" in Section 14(b) and by substituting instead the words "upon serving notice to the alleged offender and upon a hearing showing to the court the necessity of immediate action, any officer may petition the court for a seizure order".

AND FURTHER AMEND by deleting the last sentence of Section 14(b) in its entirety and by substituting instead the following:

No animals seized by the agency may be forfeited or disposed of in the discretion of the court unless the offender has been convicted of the offense charged and all appeals from such conviction have been exhausted.

On motion, the amendment was adopted.

Mr. Clark (Sumner) moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 1449 by inserting between the word "zoo" and the words "and transient" in new Section 8 added by Amendment 1 the words and punctuation ", theme parks".

Mr. Moore moved that Amendment No. 2 be tabled, which motion failed by the following vote:

Ayes	16
Noes	76
Present and not voting	2

Representatives voting aye were: Copeland, Crain, Darnell, Dills, Duer, Gill, Jared, McAfee, McNally, Rhinehart, Severance, Stallings, Starnes, Turner (Hamilton), Wix and Wood--16.

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Representatives voting no were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gafford, Gaia, Garrett, Harrill, Hassell, Hawkins, Henry, Hobbs, Hurley, Huskey, Ivy, Jones, Kent, Kernell, King, Kisber, Lawson, May, McCroskey, Miller, Montgomery, Moody, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Shirley, Stafford, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wolfe, Work and Yelton--76.

Representatives present and not voting were: Hillis and Robinson (Hamilton)--2.

Thereupon, Amendment No. 2 was adopted by the following vote:

Ayes	80
Noes	14
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gafford, Gaia, Garrett, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Jones, Kent, King, Kisber, Lawson, May, McCroskey, Miller, Montgomery, Moody, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Stafford, Swann, Tankersley, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wolfe, Work, Yelton and Mr. Speaker McWherter --80.

Representatives voting no were: Dills, Duer, Gill, Jared, McAfee, McNally, Moore, Rhinehart, Severance, Stallings, Starnes, Turner (Hamilton), Wix and Wood--14.

Representative present and not voting was: Kernell--1.

Mr. Moore moved that Senate Bill No. 1449 be placed on the Calendar for Thursday, April 10, 1986, which motion prevailed.

House Bill No. 1412--To amend "Enterprise Zone Act, 1984".

Mr. Copeland moved that House Bill No. 1412 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes 90
Noes 5

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Stafford, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--90.

Representatives voting no were: Clark (Sumner), Scruggs, Severance, Swann and Tankersly--5.

A motion to reconsider was tabled.

House Bill No. 1558--To provide for Elk River development agency.

On motion, House Bill No. 1558 was made to conform with Senate Bill No. 1413.

On motion, Senate Bill No. 1413, on same subject, was substituted for House Bill No. 1558.

Mr. King moved that Senate Bill No. 1413 be passed on third and final consideration.

Mr. King moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1413 by deleting Section 3 in its entirety and by substituting instead the following:

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. King moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 1413 by deleting Section 2 in its entirety and by substituting instead the following:

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SECTION 2. Tennessee Code Annotated, Section 4-29-209 (a), is amended by adding the following language as an appropriately numbered new item:

"() Elk River Development Agency, board of directors, created by Sections 64-1-301 and 64-1-302;"

AND FURTHER AMEND by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-213 (a), is amended by deleting the numbered item which reads as follows:

"() Elk River Development Agency, board of directors, created by Sections 64-1-301 and 64-1-302;"

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1413, as amended, passed its third and final consideration by the following vote:

Ayes	95
Noes	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

Representative voting no was: Lawson--1.

A motion to reconsider was tabled.

Mr. Darnell moved that House Bill No. 1784 be placed on the Calendar for Thursday, April 10, 1986, which motion prevailed.

House Bill No. 2023--To regulate Gibson County School District.

On motion, House Bill No. 2023 was made to conform with Senate Bill No. 2022.

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On motion, Senate Bill No. 2022, on same subject, was substituted for House Bill No. 2023.

Mr. Davis (Gibson) moved that Senate Bill No. 2022 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cooke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

Representatives present and not voting were: Chiles and Tanner --2.

A motion to reconsider was tabled.

Mr. Naifeh moved that House Bill No. 1936 be placed on the Calendar for Thursday, April 10, 1986, which motion prevailed.

Mr. McNally moved that House Bill No. 1575 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

Mr. Burnett moved that House Bill No. 1854 be placed on the Calendar for Monday, April 7, 1986, which motion prevailed.

Mr. Speaker McWherter resumed the Chair.

House Bill No. 685--To exempt sale and use tax, factory manufactured structures.

The Speaker ruled that the notice of motion to rescind had been timely filed, and that House Bill No. 685 was properly before the House.

Mr. Murphy moved that the House rescind it's previous action of House Bill No. 685.

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Mr. Cobb stated that the Chair's ruling on House Bill No. 685 was incorrect based on the Attorney General's opinion.

Thereupon, Mr. Murphy's motion that the House rescind its previous action on House Bill No. 685 prevailed by the following vote:

Ayes	74
Noes	17
Present and not voting	3

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Collier, Covington, Crain, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Drew, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McCroskey, Miller, Moore, Murphy, Murray, Naifeh, Napier, Patterson, Peroulas, Phillips, Pruitt, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Yelton and Mr. Speaker McWherter--74.

Representatives voting no were: Chiles, Clark (Sumner), Cross, Davis (Knox), Dills, Duer, Harrill, Lawson, McAfee, Nance, Rhinehart, Shirley, Stafford, Swann, Whitson, Wood and Work--17.

Representatives present and not voting were: Montgomery, Robinson (Hamilton) and Turner, L. (Shelby)--3.

On motion, House Bill No. 685 was made to conform with Senate Bill No. 214.

On motion, Senate Bill No. 214, on same subject, was substituted for House Bill No. 685.

Mr. Severance moved that Senate Bill No. 214 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	84
Noes	11
Present and not voting	3

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, King, Kisber, Love, May, McCroskey, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson,

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Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --84.

Representatives voting no were: Chiles, Clark (Sumner), Davis (Knox), Harrill, Lawson, McAfee, McNally, Stafford, Swann, Tankersley, Winningham--11.

Representatives present and not voting were: Rhinehart, Shirley and Turner, L. (Shelby)--3.

A motion to reconsider was tabled.

The Speaker directed that Mr. Copeland's remarks regarding House Bill No. 685 (SB 214) be spread upon the Journal.

REMARKS BY MR. COPELAND

Mr. Speaker,

I was on my feet seeking recognition, objecting, while you were rapping the gavel down. I would like to move that under House Rule No. 39, as voting with the prevailing side, the motion to reconsider be spread on the journal.

MR. SPEAKER McWHERTER'S RULING: Well, Representative Copeland, I'm going to allow you to move under Rule to reconsider if you want to seek to do that, other than that, I will instruct the Clerk and the Journal to take note of your objection, and my without objection on the table stands. Your are recognized.

MR. COPELAND: I don't understand the Chair's ruling and you said you would accept a motion to reconsider, but it has already gone to the table.

MR. SPEAKER McWHERTER: Without objection, the motion to reconsider stands, I will entertain a reconsider motion from you or to raise the table. I will spread your objections to my ruling upon the Journal. It is on the tape.

MR. COPELAND: Mr. Speaker, I am not going to drag this out because people want to go home today. I object to your ruling. I want the record to show that I was on my feet. I was not only standing and waiting for recognition, I was shouting as loudly as I could, and the Chair turned his head. Intentionally or otherwise, I do not know, but I was standing there trying to get that. I have the right as a member of this Body, Mr. Speaker, under what is left of our rules, to move to reconsider as a member of the prevailing side. The Chair's action denied me that right under these rules.

MR. SPEAKER: The journal will so reflect that at your request. It will be spread upon the journal at your request.

House Bill No. 330--To regulate financial institutions.

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On motion, House Bill No. 330 was made to conform with Senate Bill No. 630.

On motion, Senate Bill No. 630, on same subject, was substituted for House Bill No. 330.

Mr. Naifeh moved that Senate Bill No. 630 be passed on third and final consideration.

Mr. Murray moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 630 by deleting SECTIONS 1 and 2 in their entireties and by substituting in lieu thereof the following:

SECTION 1. Tennessee Code Annotated, Section 45-1-103, is amended by adding the following language to be numbered as subsection (3) and by renumbering the subsequent subsections accordingly:

"Lender credit card" means an arrangement or loan agreement pursuant to which a bank gives a debtor the privilege of using a credit card or other credit confirmation or identification in transactions out of which debt arises:

(a) by the bank's honoring a draft or similar order for the payment of money drawn or accepted by the debtor; or

(b) by the bank's payment or agreement to pay the debtor's obligations.

SECTION 2. Tennessee Code Annotated, Section 45-2-1107, is amended by deleting the section in its entirety and substituting in lieu thereof the following:

45-2-1107. Disclosure of terms and conditions. Whenever credit is extended as provided in this Chapter, the extending bank or trust company shall make such disclosures of the terms and conditions of the credit as may from time to time be required by the Federal Consumer Credit Protection Act, 15 U.S.C. Section 1601 et seq.

SECTION 3. Tennessee Code Annotated, Section 45-2-1108, is amended by deleting the punctuation "." at the end of the first sentence and by substituting in lieu thereof the following:

; provided, however, no state bank shall enter into an agreement or impose charges or fees in connection with a lender credit card except as provided in Sections 47-14-201 et seq.

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SECTION 4. Tennessee Code Annotated, Section 45-3-104, is amended by adding the following to be numbered as subsection (18) and by renumbering the subsequent subsections accordingly:

"Lender credit card" means an arrangement or loan agreement pursuant to which an association gives a debtor the privilege of using a credit card or other credit confirmation or identification in transactions out of which debt arises:

(a) by the association's honoring a draft or similar order for the payment of money drawn or accepted by the debtor; or

(b) by the association's payment or agreement to pay the debtor's obligations.

SECTION 5. Tennessee Code Annotated, Section 45-3-703(e), is amended by deleting the punctuation "." at the end of the first subsection and by substituting in lieu thereof the following:

; provided, however, no association shall enter into an agreement or impose charges or fees in connection with a lender credit card except as provided in Sections 47-14201 et seq.

SECTION 6. Tennessee Code Annotated, Section 45-4-601 is amended by adding the following to be numbered as subsection (3) and by renumbering subsequent subsections accordingly:

"Lender credit card" means an arrangement or loan agreement pursuant to which a credit union gives a debtor the privilege of using a credit card or other credit confirmation or identification in transactions out of which debt arises:

(a) by the credit union's honoring a draft or similar order for the payment of money drawn or accepted by the debtor; or

(b) by the credit union's payment or agreement to pay the debtor's obligations.

SECTION 7. Tennessee Code Annotated, Section 45-4-602(a)(2), is amended by deleting the punctuation "." at the end of the item and by substituting in lieu thereof the following:

;provided, however, the maximum rate of interest permitted to be charged on credit card ~~transactions~~ by state chartered credit unions shall be governed solely by the provisions of Sections 47-14-201 et seq.

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SECTION 8. Tennessee Code Annotated, Section 45-4-610, is amended by deleting the punctuation "." at the end of the first sentence and by substituting in lieu thereof the following:

; provided, however, no state chartered credit union shall enter into an agreement or impose interest or any other charges in connection with a lender credit card except as provided in Sections 47-14-201 et seq.

SECTION 9. Tennessee Code Annotated, Section 45-5-301(2)(c), is amended by inserting between the words "at any time" and the punctuation ")" the following:

but not including plans or agreements pursuant to which a registrant gives a debtor the privilege of using a credit card or other credit confirmation or identification in transactions out of which debt arises; such plans and agreements shall be subject to the provisions of Sections 47-14-201 et seq.

SECTION 10. The provisions of this act shall not take effect unless Senate Bill 1597/House Bill 1453 becomes a law, and if such bill does not become a law, this act shall be null and void.

SECTION 11. This act shall take effect on July 1, 1986, the public welfare requiring it.

Mr. Naifeh moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 in SECTION 11 of Amendment #1 by deleting the words and terms "July 1, 1986" and by substituting in lieu thereof "January 1, 1987".

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Mr. Naifeh moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 2 TO AMENDMENT NO. 1

Amend Amendment No. 1 in SECTIONS 1, 4, and 6 of Amendment #1 by adding the following language at the end of SECTIONS 1, 4 and 6:

"A lender credit card does not include (i) a line of credit accessed by the debtor, whether by means of draws, master note with individual promissory notes, or otherwise, or (ii) a device used by a debtor to access directly the debtor's demand deposits."

AND FURTHER AMEND in SECTION 9 of Amendment #1 by adding the word "lender" between the words "using a" and "credit card" in the

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amendatory language, striking all words following the words "credit cards" and substituting in lieu thereof the following:

"as defined in Section 47-14-202 (3), which plans or agreements shall be subject to the provisions of the 'Lender Credit Card Act', Section 47-14-201 et seq."

On motion, Amendment No. 2 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Thereupon, Senate Bill No. 630, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

Representative present and not voting was: Gafford--1.

A motion to reconsider was tabled.

House Bill No. 1453--To regulate retail charge agreements.

Mr. Naifeh moved that House Bill No. 1453 be passed on third and final consideration.

Mr. Naifeh moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1453 by deleting SECTIONS 1, 2, 3 and 4 in their entireties and by substituting in lieu thereof the following:

SECTION 1. Tennessee Code Annotated, Section 47-11-102(5) is amended by inserting after the word "time" and before the punctuation ";" the following language"

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. It does not include a credit card account pursuant to a lender credit card as regulated by Sections 47-14-201 et seq.

SECTION 2. Tennessee Code Annotated, Section 47-11-104(c), is amended by deleting the phrase "and assignee" which appears between the words "the seller" and "under a retail charge agreement."

SECTION 3. Tennessee Code Annotated, Chapter 14, Title 47, is amended by adding the following as Part 2:

Section 47-14-201. Short title. This part may be cited as the "Lender Credit Card Act."

Section 47-14-202. Definitions. The following definitions shall be applicable in the construction of the provisions of this part:

(1) "Credit card account" means an arrangement between a lender and a debtor for the creation of debt pursuant to a lender credit card and under which:

(a) The lender may permit the debtor to create debt from time to time;

(b) The unpaid balances of principal of such debt and any interest and other allowed charges are debited to an account;

(c) Interest is computed on the outstanding balances of the debtor's account from time to time; and

(d) The lender is to render bills or statements to the debtor at regular intervals (the "billing cycle"), the amount of which bills or statements is payable by and due from the debtor on a specified date stated in such bill or statement or, at the debtor's option, may be paid by the debtor in installments.

(2) "Lender" means a financial institution that is:

(a) organized, chartered, or holding a certificate of authority under the laws of this state or of the United States which authorizes the organization to make loans and/or to receive deposits, including, but not limited to, a savings, share, certificate, or deposit account; and

(b) subject to supervision by an official or agency of this state or of the United States.

The term "lender" does not include a retail seller as defined in Section 47-11-102(8).

(3) "Lender credit card" means an arrangement or loan agreement pursuant to which a lender gives a debtor the privilege of using

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a credit card or other credit confirmation or identification in transactions out of which debt arises:

- (a) by the lender's honoring a draft or similar order for the payment of money drawn or accepted by debtor; or
- (b) by the lender's payment or agreement to pay the debtor's obligations.

A lender credit card does not include (i) a line of credit accessed only by the debtor, whether by means of draws, master note with individual promissory notes, or otherwise, or (ii) a device used by a debtor to access directly the debtor's demand accounts.

(4) "Month" means either:

- (a) a calendar month;
- (b) a minimum of thirty (30) consecutive calendar days;
- (c) the number of days elapsing between the same numerical calendar day of successive calendar months; or
- (d) a number of days which does not vary by more than four (4) days from such period nor result in more than twelve (12) billing periods per year.

Section 47-14-203. Interest Rate.

(a) A lender which is a party to a lender credit card may charge, receive and collect a charge which shall be termed "interest" at a maximum effective rate not to exceed the rate set pursuant to subsection (c) of this section on the unpaid balance under the credit card account as computed from month to month.

(b) Interest charged, received or collected for a cash advance extended pursuant to the credit card account may be imposed as of the date of advance. No interest shall be charged, received or collected for purchases of goods or services until one (1) month after the billing statement date on the billing statement where such purchases initially appear, but any portion of the balance of such purchases which remains unpaid one (1) month after such billing statement date shall thereafter be subject to interest, computed from and after the date of the billing statement upon which such purchases initially appear.

(c) The Commissioner of Financial Institutions shall set the maximum effective interest rate in accordance with the following schedule: for the period January 1 through June 30 of any year, the maximum effective rate of interest shall

be set on or before December 1 of the calendar year immediately prior to the period for which such maximum is being set; and for the period July 1 through December 31 of any year, the maximum effective rate of interest shall be set on or before June 1 of that calendar year. The maximum effective rate of interest set by the Commissioner shall be the lesser of the following:

(1) an annual effective rate equal to six (6) percentage points above the average prime loan rate (or the average short term business loan rate, however denominated). For purposes of setting the maximum effective rate of interest for the period January 1 through June 30 of any given year, the average prime loan rate shall be the rate last published by the board of governors of the federal reserve system of the United States of America prior to June 1 of that calendar year; or

(2) an annual effective rate of twenty-one percent (21%).

(d) If the amount of interest otherwise due is less than seventy cents (\$.70) for any billing cycle, a charge of seventy cents (\$.70) for such billing cycle may be charged, received and collected.

Section 47-14-204. Order to Credit Payment. Any payment made pursuant to a credit card account shall be first applied to any interest shown to be due on the billing statement, next to repayment of cash advanced, and finally to the chronological repayment of purchases of goods or services.

Section 47-14-205. Additional Charges. In addition to the interest permitted by section 47-14-203, a lender may contract for and receive and collect only the following additional charges in connection with a credit card account:

(1) A fee for making a cash advance pursuant to a credit card account, such fee not to exceed the greater of five dollars (\$5.00) or an amount not exceeding twenty-five dollars (\$25.00), which amount is five percent (5%) of the amount of the cash advance;

(2) A delinquency charge on any required minimum installment not paid within five days after its maturity in an amount not exceeding the greater of one dollar (\$1.00) or an amount not exceeding five dollars (\$5.00), which amount is five percent (5%) of the amount of the unpaid minimum installment, provided that a delinquency charge may be collected only once on an installment however long it remains in default;

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(3) Charges for premiums on credit life and credit accident and health insurance for which a separate charge is disclosed to the debtor;

(4) All costs, disbursements, and reasonable attorneys' fees incurred by the lender in legal proceedings to collect and enforce the debt in the event of delinquency by the debtor or in the event of a breach of any obligation of the debtor under the arrangement;

(5) An annual basic card fee, which may be collected either once a year or in installments. The annual basic card fee shall not exceed eighteen dollars (\$18.00) per year. A lender shall notify a debtor in writing that he has the right to surrender his lender credit card before the lender imposes a basic card fee. If a debtor elects to surrender his card, he shall have the right to continue to pay off his credit card account in the same manner and under the same terms and conditions which were in effect on the date of such surrender; provided, however, that in no event shall interest accrue on such fee;

(6) All costs, disbursements, and fees incurred in connection with the taking of a security interest to secure payment of amounts due to the lender pursuant to the credit card account if bona fide and owed to third-parties who are not salaried employees of the lender.

Section 47-14-206. Merchant Discount. No lender shall require a retail seller to discount the sales slips signed or authorized by holders of lender credit cards to the lender at a discount rate exceeding three percent (3%) for the privilege of making retail sales through acceptance of the lender's credit cards.

Section 47-14-207. Waiver Prohibited. It shall be against the public policy of this state for any of the provisions of this part which are established in favor of the debtor or holder of the lender credit card to be waived by an informal or formal agreement before, at the time of, or after the creation of a debt within the regulation of this part.

SECTION 4. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

SECTION 5. The provisions of this act shall not take effect unless Senate Bill 630/House Bill 330 shall become a law, and if such bill does not become a law, this act shall be null and void.

SECTION 6. This act shall take effect on June 1, 1986, the public welfare requiring it and shall apply to all applicable

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agreements entered into or renewed or transactions which occur on or after July 1, 1986.

Mr. Naifeh moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 in SECTION 6 of Amendment No. 1 by deleting SECTION 6 in its entirety and by substituting in lieu thereof the following:

"SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it and shall apply to all applicable agreements entered into or renewed or transactions which occur on or after January 1, 1987."

On motion, Amendment 1 to Amendment No. 1 was adopted.

Mr. Naifeh moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 2 TO AMENDMENT NO. 1

Amend 1 in SECTION 3 of Amendment No. 1 by deleting the last paragraph of the amendatory of Section 47-14-202 (3) and by substituting in lieu thereof the following:

"A lender credit card does not include (i) a line of credit accessed by the debtor, whether by means of draws, master note with individual promissory notes, or otherwise, or (ii) a device used by a debtor to access directly the debtor's demand deposits.

On motion, Amendment No. 2 to Amendment No. 1 was adopted.

Mr. Naifeh moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 3 TO AMENDMENT NO. 1

Amend Amendment No. 1 in SECTION 2 of Amendment No. 1 by deleting SECTION 2 in its entirety and by substituting in lieu thereof the following:

SECTION 2. Tennessee Code Annotated, Section 47-11-104 (c), is amended by adding the following language as the last sentence of the subsection:

No assignee shall charge the time price differential herein if the underlying transaction would have been otherwise regulated by the Lender Credit Card Act, Section 47-14-201 et seq.

On motion, Amendment No. 3 to Amendment No. 1 was adopted.

Mr. Naifeh moved to amend Amendment No 1 as follows:

AMENDMENT NO. 4 TO AMENDMENT NO. 1

Amend Amendment No 1 by adding the following language as a new, appropriately designated section:

SECTION _____. Nothing in this act shall be construed as impairing the right of any lender from entering into an agreement with another lender to offer the lender credit card of such other lender. To the extent that the provisions of this act govern the lender credit card of such other lender, they shall also govern any such agreement.

On motion, Amendment No. 4 to Amendment No. 1 was adopted.

Mr. Frensley moved to amend Amendment No. 1 as follows:

AMENDMENT NO 5 TO AMENDMENT NO. 1

Amend Amendment No. 1 in SECTION 3 of Amendment No. 1 by deleting the second sentence of Section 47-14-205 (5).

On motion, Amendment No. 5 to Amendment No. 1 was adopted.

Mr. Frensley moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 6 TO AMENDMENT NO. 1

Amend Amendment No. 1 in SECTION 3 of Amendment No. 1 by deleting from the amendatory language of Section 47-14-203 (c)(1) the following language:

" six (6) "

and by substituting in lieu thereof the following:

" eight (8) "

Mr. West moved that Amendment No. 6 to Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes	48
Noes	41
Present and not voting	2

Representatives voting aye were: Bell, Buck, Burnett, Clark (Davidson), Cobb, Covington, Crain, Cross, Darnell, Davis (Gibson), DeBerry, Dills, Dixon, Drew, Duer, Ellis, Gafford, Gaia, Gill, Hassell, Hawkins, Henry, Jones, Kernell, King, Kisber, Lawson, Love, McNally, Miller, Moore, Murphy, Murray, Naifeh, Patterson, Phillips, Pruitt, Robinson (Hamilton), Severance, Shirley, Stafford, Starnes, Turner (Hamilton), Turner, L. (Shelby), West, Whitson, Winningham and Wix--48.

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Representatives voting no were: Bewley, Bivens, Bragg, Chiles, Clark (Sumner), Collier, Copeland, Curlee, Davidson, Davis (Cocke), Davis (Knox), Frensley, Garrett, Harrill, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, May, McAfee, McCroskey, Montgomery, Moody, Nance, Peroulas, Rigdeway, Robinson (Washington), Scruggs, Swann, Tankersley, Tanner, Ussery, Webb, Wheeler, Williams, Wolfe, Wood, Work and Yelton --41.

Representatives present and not voting were: Byrd and Rhinehart--2.

Mr. Frensley moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 7 TO AMENDMENT NO. 1

Amend Amendment No. 1 in SECTION 3 of Amendment #1 by deleting the following language from Section 47-14-203 (b):

but any portion of the balance of such purchases which remains unpaid one (1) month after such billing statement date shall thereafter be subject to interest, computed from and after the date of the billing statement upon which such purchases initially appear.

and by substituting in lieu thereof the following:

but any portion of the balance of such purchases which remains unpaid twenty-five (25) days or more after such billing statement date may thereafter be subject to interest, computed from and after the date of such purchase.

Mr. Buck moved that Amendment No. 7 to Amendment No. 1 be tabled, which motion prevailed.

Mr. Frensley moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 8 TO AMENDMENT NO. 1

Amend Amendment No. 1, in SECTION 3 of Amendment #1 by deleting Section 47-14-206 in its entirety and by redesignating the subsequent section of SECTION 3 appropriately.

On motion, Amendment No. 8 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Mr. Henry moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1453 by deleting Sections 1 and 2, as amended, in their entirety.

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AND FURTHER AMEND by deleting from Section 3, Section 47-14-202(2), the language "The term 'lender' does not include a retail seller as defined in Section 47-11-102(8)" and by substituting instead the following language:

The term "lender" shall include a retail seller as defined in Section 47-11-102(8).

Mr. Bivens moved that the House stand in recess until 1:15 p.m., which motion prevailed by the following vote:

Ayes	51
Noes	47
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Cobb, Collier, Cross, Davidson, Davis (Cocke), DeBerry, DePriest, Ellis, Frensley, Gaia, Gill, Hillis, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, McCroskey, McNally, Miller, Murphy, Murray, Naifeh, Napier, Patterson, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Wix, Yelton and Mr. Speaker McWherter--51.

Representatives voting no were: Bewley, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Curlee, Darnell, Davis (Gibson), Davis (Knox), Dills, Dixon, Drew, Duer, Gafford, Garrett, Harrill, Hassell, Hawkins, Henry, Hobbs, Hurley, Huskey, Ivy, McAfee, May, Montgomery, Moody, Moore, Nance, Peroulas, Robisnon (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Webb, Whitson, Williams, Winningham, Wolfe, Wood and Work--47.

Representative present and not voting was: Mr. Speaker McWherter--1.

The recess having expired, the House was called to order by Mr. Speaker McWherter.

On motion, the roll call was dispensed with.

FURTHER CONSIDERATION OF HOUSE BILL NO. 1453

House Bill No. 1453--To regulate retail charge agreements.

Mr. Copeland stated that the chair must announce the vote on Amendment No. 2

Mr. Speaker McWherter declared that the vote was void because of machine failure.

Mr. Naifeh moved that the Amendment No. 2 be tabled, which motion prevailed by the following vote:

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Ayes	50
Noes	42
Present and not voting	2

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), DeBerry, DePriest, Dixon, Ellis, Gaia, Gill, Hillis, Hobbs, Ivy, Jared, Jones, Kernell, Kisber, Love, Miller, Murphy, Murray, Naifeh, Napier, Patterson, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Shirley, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Winningham, Wix, Yelton and Mr. Speaker McWherter--50.

Representatives voting no were: Bewley, Chiles, Clark (Davidson), Cobb, Copeland, Davis (Cocke), Davis (Knox), Duer, Frensley, Gafford, Garrett, Harrill, Hassell, Hawkins, Henry, Hurley, Huskey, Kent, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore, Nance, Peroulas, Robinson (Davidson), Robinson (Washington), Scruggs, Severence, Stafford, Swann, Tankersly, Ussery, Webb, Whitson, Williams, Wolfe, Wood and Work--42.

Representatives present and not voting were: Byrd and Clark (Davidson)--2.

Mr. West moved that the House rescind its action in tabling Amendment No. 6 to Amendment No. 1.

Mr. Copeland objected to Mr. West's motion, which motion failed by the following vote:

Ayes	40
Noes	55
Present and not voting	1

Representatives voting aye were: Chiles, Clark (Davidson), Clark (Sumner), Copeland, Davis (Knox), Dixon, Drew, Duer, Garrett, Gill, Harrill, Hawkins, Henry, Kent, King, Lawson, May, McAfee, McNally, Miller, Montgomery, Moody, Moore, Nance, Peroulas, Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Swann, Tankersley, Turner, L. (Shelby), Ussery, Webb, Whitson, Williams, Wolfe, Wood and Work--40.

Representatives voting no were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Ellis, Frensley, Gafford, Gaia, Hassell, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kernell, Kisber, Love, McCroskey, Murphy, Murray, Naifeh, Napier, Patterson, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), West, Wheeler, Winningham, Wix, Yelton and Mr. Speaker McWherter--55.

Representative present and not voting was: Byrd--1.

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Thereupon, Mr. West's motion to rescind action in tabling Amendment No. 6 to Amendment No. 1 failed by the following vote:

Ayes	35
Noes	58
Present and not voting	2

Representatives voting aye were: Bell, Bivens, Bragg, Collier, Cross, Curlee, Davis (Gibson), DeBerry, DePriest, Ellis, Frensley, Hillis, Hobbs, Ivy, Jones, Kisber, Love, McCroskey, Murray, Naifeh, Nance, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Stallings, Starnes, Tanner, Turner, (Hamilton), Webb, West, Winningham, Yelton and Mr. Speaker McWherter--35.

Representatives voting no were: Bewley, Buck, Burnett, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Darnell, Davidson, Davis (Cocke), Davis (Knox), Dixon, Drew, Duer, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hurley, Huskey, Kent, Kernell, King, Lawson, May, McAfee, McNally, Miller, Montgomery, Moody, Moore, Murphy, Napier, Patterson, Peroulas, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Swann, Tankersley, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Whitson, Williams, Wix, Wolfe, Wood and Work--58.

Representatives present and not voting were: Byrd and Gafford --2.

Mr. Frensley moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1453 in SECTION 3 of the bill as amended by deleting subsection (c) of Section 47-14-203 in its entirety and by substituting in lieu thereof the following:

(c) The Commissioner of Financial Institutions shall set the maximum effective interest rate for the period January 1 through December 31 of each year on or before December 1 of the calendar year immediately prior to the period for which such maximum is being set. The maximum effective rate of interest set by the Commissioner shall be the lesser of the following:

(1) an annual effective rate equal to eight (8) percentage points above the average prime loan rate (or the average short term business loan rate, however denominated). For purposes of setting the maximum effective rate of interest, the average prime loan rate shall be the rate last published by the board of governors of the federal reserve system of the United States of America prior to December 1 of the calendar year immediately prior to the period for which such maximum is being set; or

(2) an annual effective rate of twenty-one percent (21%)

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Mr. Henry asked if Amendment No. 3 was the same as the tabled Amendment No. 6 to Amendment No. 1.

Mr. Speaker McWherter ruled that Amendment No. 3 is a new amendment and properly before the House.

Mr. Henry moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes	55
Noes	38
Present and not voting	1

Representatives voting aye were: Bewley, Buck, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Darnell, Davidson, Davis (Cocke), Davis (Knox), Dixon, Drew, Duer, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hurley, Huskey, Kent, Kernell, Lawson, May McAfee, McNally Montgomery, Moody, Moore, Murphy, Patterson, Pruitt, Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Swann, Tankersley, Turner, C. (Shelby), Ussery, West, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--55.

Representatives voting no were: Bell, Bivens, Bragg, Burnett, Collier, Cross, Curlee, Davis (Gibson), DeBerry, DePriest, Frensley, Hillis, Hobbs, Ivy, Jared, Jones, King, Kisber, Love, McCroskey, Murray, Naifeh, Nance, Napier, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Stallings, Starnes, Tanner, Turner, (Hamilton), Turner, L. (Shelby), Webb, Wheeler, Winningham and Mr. Speaker McWherter--38.

Representative present and not voting was: Byrd--1.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 1453 by striking the words and figures 6% wherever they appear and insert 7.9%.

Mr. Scruggs moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes	57
Noes	29
Present and not voting	3

Representatives voting aye were: Bewley, Bivens, Buck, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Darnell, Davidson, Davis (Knox), DePriest, Drew, Duer, Ellis, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hobbs, Hurley, Kent, Lawson, May, McAfee, McNally, Miller, Montgomery, Moody, Moore, Murphy, Patterson, Peroulas, Phillips, Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Starnes, Swann, Tankersley, Turner, C.

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(Shelby), Ussery, Webb, West, Whitson, Williams, Wix, Wolfe, Wood and Work--57.

Representatives voting no were: Bell, Bragg, Burnett, Collier, Cross, Curlee, Davis (Gibson), DeBerry, Dixon, Frensley, Hillis, Ivy, Jared, Jones, Kernell, King, Kisber, McCroskey, Murray, Naifeh, Nance, Napier, Pruitt, Stallings, Turner, (Hamilton), Turner, L. (Shelby), Winningham, Yelton and Mr. Speaker McWherter--29.

Representatives present and not voting were: Byrd, Gafford and Robinson (Hamilton)--3.

Mr. Burnett moved to amend as follows:

AMENDMENT NO. 5

Amend House Bill No. 1453 in SECTION 3 of bill as amended by deleting from the amendatory language of Section 47-14-203 (c)(1) the following language:

" six (6) "

and by substituting in lieu thereof the following:

"seven (7)"

Mr. Henry moved that Amendment No. 5 be tabled, which motion failed by the following vote:

Ayes	42
Noes	49
Present and not voting	2

Representatives voting aye were: Bewley, Chiles, Clark (Sumner), Cobb, Covington, Davidson, Davis (Cocke), Davis (Knox), Drew, Duer, Garrett, Gill, Harrill, Hawkins, Henry, Hurley, Huskey, Kent, May, McAfee, McNally, Montgomery, Moody, Moore, Nance, Napier, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Swann, Tankersley, Turner, C. (Shelby), Ussery, Whitson, Williams, Wix, Wolfe, Wood and Work--42.

Representatives voting no were; Bell, Bivens, Bragg, Buck, Burnett, Clark (Davidson), Collier, Crain, Cross, Curlee, Darnell, Davis (Gibson), DeBerry, DePriest, Dixon, Ellis, Frensley, Gaia, Hassell, Hillis, Hobbs, Ivy, Jared, Kernell, King, Kisber, Lawson, Love, McCroskey, Miller, Murphy, Murray, Naifeh, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Stallings, Starnes, Turner, (Hamilton), Turner, L. (Shelby), West, Wheeler, Winningham, Yelton and Mr. Speaker McWherter--49.

Representatives present and not voting were: Byrd and Gafford --2.

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Mr. Bivens moved the previous question, on the amendment, which motion failed by the following vote:

Ayes	52
Noes	40
Present and not voting	2

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Clark (Davidson), Collier, Crain, Cross, Curlee, Darnell, Davis (Gibson), DeBerry, DePriest, Dixon, Ellis, Frensley, Gaia, Hassell, Hillis, Hobbs, Ivy, Jared, Jones, Kernell, King, Kisber, Lawson, Love, McCroskey, Miller, Murphy, Murray, Naifeh, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Stallings, Starnes, Turner (Hamilton), Turner, L. (Shelby), West, Wheeler, Winningham, Yelton and Mr. Speaker McWherter--52.

Representatives voting no were: Chiles, Clark (Sumner), Cobb, Copeland, Covington, Davidson, Davis (Cocke), Davis (Knox), Drew, Duer, Garrett, Gill, Harrill, Hawkins, Henry, Hurley, Huskey, Kent, May, McAfee, McNally, Montgomery, Moody, Moore, Nance, Robinson (Davidson), Scruggs, Severance, Shirley, Stafford, Swann, Tankersley, Turner, C. (Shelby), Ussery, Whitson, Williams, Wix, Wolfe, Wood and Work--40.

Representatives present and not voting were: Byrd and Gafford --2.

Mr. Clark (Sumner) moved the previous question, which motion failed by the following vote:

Ayes	59
Noes	32
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Clark (Davidson), Clark (Sumner), Collier, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), DeBerry, DePriest, Dixon, Ellis, Garrett, Hillis, Hobbs, Hurley, Ivy, Jared, Jones, Kernell, King, Kisber, Lawson, Love, McCroskey, Miller, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, L. (Shelby), West, Whitson, Williams, Winningham, Yelton and Mr. Speaker McWherter--59.

Representatives voting no were: Chiles, Cobb, Copeland, Covington, Davis (Cocke), Davis (Knox), Drew, Duer, Frensley, Gill, Harrill, Hassell, Hawkins, Henry, Huskey, Kent, May, McAfee, McNally, Montgomery, Moody, Moore, Scruggs, Severance, Shirley, Stafford, Turner, C. (Shelby), Ussery, Wix, Wolfe, Wood and Work--32.

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Representatives present and not voting were: Byrd and Gafford --2.

Thereupon, Amendment No. 5 was adopted by the following vote:

Ayes	50
Noes	42
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Collier, Crain, Cross, Curlee, Darnell, Davis (Gibson), DeBerry, DePriest, Ellis, Frensley, Hillis, Hobbs, Ivy, Jared, Jones, Kernell, King, Kisber, Lawson, Love, McCroskey, Miller, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Stallings, Starnes, Turner (Hamilton), Turner, L. (Shelby), Webb, West, Winningham, Yelton and Mr. Speaker McWherter--50.

Representatives voting no were: Chiles, Clark (Sumner), Cobb, Copeland, Covington, Davidson, Davis (Cocke), Davis (Knox), Dixon, Drew, Duer, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hurley, Huskey, Kent, May, McAfee, McNally, Montgomery, Moody, Moore, Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Swann, Tankersley, Turner, C. (Shelby), Ussery, Whitson, Williams, Wix, Wolfe, Wood and Work--42.

Representatives present and not voting were: Byrd and Gafford --2.

Mr. Buck moved the previous question, which motion failed by the following vote:

Ayes	59
Noes	32
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Clark (Davidson), Cobb, Collier, Covington, Crain, Cross, Curlee, Davis (Gibson), DeBerry, DePriest, Dixon, Ellis, Gafford, Gaia, Hassell, Hillis, Hobbs, Hurley, Ivy, Jared, Jones, Kernell, King, Kisber, Lawson, Love, McCroskey, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Napier, Patterson, Phillips, Pruitt, Ridgeway, Robinson (Hamilton), Robinson (Washington), Severance, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Webb, West, Wheeler, Winningham, Wix, Wolfe, Work and Yelton--59.

Representatives voting no were: Clark (Sumner), Copeland, Darnell, Davidson, Davis (Knox), Drew, Duer, Frensley, Garrett, Gill, Harrill, Hawkins, Henry, Kent, May, McAfee, McNally, Moody, Nance, Peroulas, Rhinehart, Robinson (Davidson), Scruggs, Shirley, Stafford, Swann, Tankersley, Turner, L. (Shelby), Ussery, Whitson, Williams and Wood--32.

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Representatives present and not voting were: Brewer and Byrd--2.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker Pro tem.

Mr. Rhinehart mentioned the following amendment.

AMENDMENT NO. 6

Amend House Bill No. 1453 by striking all the amendments, in their entirety and insert a new section ____

Title 47 chapter 11 and 14 is hereby repealed.

Mr. Rhinehart moved that Amendment No. 6 be withdrawn from the desk.

Mr. Henry objected to the withdrawel and moved that Amendment No. 6 be adopted.

Mr. Frensley moved that Amendment No. 6 be tabled, which motion prevailed by the following vote:

Ayes	59
Noes	29
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Clark (Davidson), Cobb, Collier, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Hawkins, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, King, Kisber, Love, McCroskey, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Stallings, Starnes, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Webb, West, Wheeler, Work and Yelton--59.

Representatives voting no were: Clark (Sumner), Copeland, Covington, Davis (Knox), Dixon, Garrett, Gill, Harrill, Hassell, Henry, Jones, Kent, Lawson, May, McAfee, McNally, Moody, Phillips, Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Swann, Truner, L. (Shelby), Whitson, Williams, Wolfe and Wood--29

Representative present and not voting was: Byrd--1.

Mr. Buck moved the previous question which motion failed by the following vote:

Ayes	57
Noes	32
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Clark (Davidson), Cobb, Collier, Crain, Cross, Curlee,

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Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Ellis, Gafford, Gaia, Gill, Hassell, Hillis, Hobbs, Hurley, Ivy, Jared, Jones, Kernell, King, Kisber, Love, McAfee, McCroskey, Miller, Murphy, Murray, Naifeh, Napier, Patterson, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Severance, Stafford, Stallings, Tanner, Turner (Hamilton), Turner, C. (Shelby), Webb, West, Winningham and Yelton--57.

Representatives voting no were: Clark (Sumner), Copeland, Covington, Davis (Knox), Drew, Duer, Harrill, Hawkins, Henry, Huskey, Kent, Lawson, May, McNally, Montgomery, Moody, Moore, Nance, Peroulas, Robinson (Hamilton), Scruggs, Shirley, Starnes, Swann, Tankersley, Turner, L. (Shelby), Ussery, Whitson, Williams, Wolfe, Wood and Work--32

Representatives present and not voting were: Brewer and Byrd--2.

Mr. Naifeh moved that House Bill No. 1453 as amended, be passed on third and final consideration.

Mr. Stafford moved that the motion be tabled, which motion failed by the following vote:

Ayes	31
Noes	62
Present and not voting	2

Representatives voting aye were: Clark (Sumner), Copeland, Curlee, Davidson, Davis (Cocke), Davis (Knox), Gaia, Garrett, Harrill, Hawkins, Henry, Hurley, Huskey, Kent, May, McAfee, McNally, Montgomery, Moody, Nance, Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Swann, Tankersley, Ussery, Williams, Wood and Work --31.

Representatives voting no were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Chiles, Clark (Davidson), Cobb, Collier, Covington, Crain, Cross, Darnell, Davis (Gibson), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gill, Hassell, Hillis, Hobbs, Ivy, Jared, Jones, Kernell, King, Kisber, McCroskey, Miller, Moore, Murphy, Murray, Naifeh, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Yelton and Mr. Speaker McWherter--62.

Representatives present and not voting were: Byrd and Gafford --2.

Mr. Miller filed the following motion.

Mr. Speaker:

Pursuant to Rule No. 35 the undersigned members request that the

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committee on calendar and rules meet and fix or limit the time in which debate on third and final consideration on House Bill No 1453.

Ted Ray Miller
Frank Buck
Ed Murray
Matthew Kisber
Clarence W. Phillips

RECESS

Pursuant to Rule No. 35, the Speaker declared that the House would stand in recess for ten minutes in order for the Committee on Calendar and Rules to meet.

The recess having expired, the House was called to order by Mr. Speaker McWherter.

On motion, the roll call was dispensed with.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules has met and begs leave to report that pursuant to Rule No. 35, we have set the following limits on debate on House Bill No. 1453: 2 minutes per member, and 20 minutes after reconvening, debate will be cut off, and the question called for on the bill.

GILL, Chairman.

Mr. Naifeh renewed his motion for passage of House Bill No. 1453.

Mr. Clark (Sumner) moved that the House adjourn until 2:00 p.m. Monday, April 7, 1986, which motion failed by the following vote:

Ayes	35
Noes	58
Present and not voting	1

Representatives voting aye were: Brewer, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Davis (Cocke), Davis (Knox), Drew, Duer, Frensley, Garrett, Harrill, Hawkins, Henry, Huskey, Kent, King, May, McAfee, McCroskey, McNally, Montgomery, Peroulas, Pruitt, Robinson (Washington), Scruggs, Severance, Stafford, Swann, Tankersley, Ussery, Whitson, Williams and Wood--35.

Representatives voting no were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Cobb, Collier, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), DePriest, Ellis, Gafford, Gaia, Gill, Hassell, Hillis, Hobbs, Hurley, Ivy, Jared, Jones, Kernell, Kisber, Lawson, Love, Miller, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Stallings, Starnes, Turner (Hamilton), Turner, C.

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(Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Winningham, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter--58.

Representative present and not voting was: Shirley--1.

Mr. Henry moved to amend as follows:

AMENDMENT NO. 7

Amend House Bill No. 1453 by deleting "seven (7)"

and substitute

"six (6)"

Amendment No. 7 was adopted by the following vote:

Ayes	62
Noes	24
Present and not voting	4

Representatives voting aye were: Bewley, Buck, Burnett, Chiles, Clark (Sumner), Cobb, Crain, Darnell, Davidson, Davis (Cocke), Davis (Knox), Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hurley, Huskey, Jones, Kent, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Naifeh, Peroulas, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Whitson, Williams, Wix, Wolfe, Wood and Work--62.

Representatives voting no were: Bell, Bivens, Clark (Davidson), Covington, Cross, Curlee, Davis (Gibson), DeBerry, DePriest, Hillis, Hobbs, Ivy, Jared, Kernell, Murray, Nance, Napier, Patterson, Phillips, Stallings, Turner, L. (Shelby), Wheeler, Winningham and Yelton--24.

Representatives present and not voting were: Bragg, Byrd, Gafford and Robinson (Hamilton)--4.

Mr. McNally moved to amend as follows:

AMENDMENT NO. 8

Amend House Bill No. 1453 by deleting from Section 3, Section 47-14-202(2), the language "The term 'lender' does not include a retail seller as defined in Section 47-11-102(8)" and by substituting instead the following language:

The term "lender" shall include a retail seller as defined in Section 47-11-102(8).

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A ruling was requested as to whether Amendment No. 8 was the same as Amendment No. 2.

The Speaker ruled that the amendments were not the same, and that Amendment No. 8 was properly before the House.

Mr. Rhinehart moved the previous question, which motion failed by the following vote:

Ayes	45
Noes	47
Present and not voting	2

Representatives voting aye were: Bewley, Clark (Sumner), Copeland, Crain, Davidson, Davis (Cocke), Davis (Knox), Drew, Frensley, Gaia, Gill, Harrill, Hawkins, Henry, Hurley, Huskey, Kent, Lawson, Love, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore, Nance, Patterson, Peroulas, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Swann, Tankersley, Turner, C. (Shelby), Ussery, Webb, Whitson, Williams, Wolfe, Wood and Work--45.

Representatives voting no were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Chiles, Clark (Davidson), Collier, Covington, Cross, Curlee, Darnell, Davis (Gibson), DeBerry, DePriest, Dixon, Ellis, Hassell, Hillis, Hobbs, Ivy, Jared, Jones, Kernell, King, Kisber, Miller, Murphy, Murray, Naifeh, Napier, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Stallings, Starnes, Turner (Hamilton), Turner, L. (Shelby), West, Wheeler, Winningham, Wix, Yelton and Mr. Speaker McWherter--47.

Representatives present and not voting were: Byrd and Gafford --2.

Mr. Naifeh moved that Amendment No. 8 be tabled, which motion prevailed by the following vote:

Ayes	49
Noes	41
Present and not voting	3

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Collier, Crain, Cross, Curlee, Darnell, Davis (Gibson), DeBerry, DePriest, Dixon, Ellis, Gaia, Hillis, Hobbs, Ivy, Jared, Jones, Kernell, King, Kisber, Love, McCroskey, Miller, Murphy, Murray, Naifeh, Napier, Patterson, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Severance, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Winningham, Wix and Yelton--49.

Representatives voting no were: Bewley, Clark (Sumner), Copeland, Covington, Davidson, Davis (Cocke), Davis (Knox), Drew, Duer, Frensley, Garrett, Gill, Harrill, Hassell, Hawkins, Henry,

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Hurley, Huskey, Kent, Lawson, May, McAfee, McNally, Montgomery, Moody, Moore, Peroulas, Robinson (Davidson), Robinson (Washington), Scruggs, Shirley, Stafford, Swann, Tankersley, Ussery, Webb, Whitson, Williams, Wolfe, Wood and Work--41.

Representatives present and not voting were: Byrd, Clark (Davidson) and Gafford--3.

Mr. Lawson moved to amend as follows:

AMENDMENT NO. 9

Amend House Bill No. 1453 by adding the following new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section ____ . The provisions of this act shall cease to be effective on the date that interstate banking on a nationwide basis becomes lawful.

Mr. Naifeh moved that Amendment No. 9 be tabled, which motion prevailed by the following vote:

Ayes	56
Noes	36
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Clark (Davidson), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), DePriest, Dixon, Ellis, Frensley, Gafford, Gaia, Gill, Hillis, Hobbs, Ivy, Jared, Jones, Kernell, King, Kisber, Love, McCroskey, Miller, Murphy, Murray, Naifeh, Napier, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Stallings, Starnes, Turner, (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Winningham, Wix and Yelton--56.

Representatives voting no were: Chiles, Clark (Sumner), Cobb, Copeland, Davis (Cocke), Davis (Knox), DeBerry, Drew, Garrett, Harrill, Hassell, Hawkins, Henry, Hurley, Huskey, Kent, Lawson, May, McAfee, McNally, Montgomery, Moody, Moore, Nance, Peroulas, Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Swann, Tankersley, Ussery, Williams, Wolfe and Wood--36.

Representatives present and not voting were: Byrd and Patterson --2.

Mr. Bewley moved the previous question, which motion prevailed by the following vote:

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Ayes	65
Noes	26
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Clark (Davidson), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Ellis, Gafford, Gaia, Garrett, Gill, Hassell, Hillis, Hobbs, Hurley, Ivy, Jared, Jones, King, Kisber, Lawson, Love, May, McAfee, McCroskey, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Shirley, Stafford, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Whitson, Winningham, Wix, and Yelton--65.

Representatives voting no were: Chiles, Clark (Sumner), Copeland, Davidson, Davis (Cocke), Drew, Duer, Harrill, Hawkins, Henry, Huskey, Kent, McNally, Miller, Moody, Peroulas, Robinson (Davidson), Scruggs, Severance, Swann, Tankersley, Ussery, Williams, Wolfe, Wood and Work--26.

Representatives present and not voting were: Byrd and Kernell --2.

Thereupon, House Bill No. 1453, as amended, passed its third and final consideration by the following vote:

Ayes	80
Noes	15
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Chiles, Clark (Davidson), Cobb, Collier, Copeland, Covington, Crain, Cross, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kernell, King, Kisber, Lawson, Love, May, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter--80.

Representatives voting no were: Clark (Sumner), Curlee, Davis (Knox), Frensley, Garrett, Kent, McAfee, Moody, Nance, Robinson (Washington), Swann, Tankersley, Ussery, Williams and Work--15.

Representatives present and not voting were: Byrd and Gafford --2.

A motion to reconsider was tabled.

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The Speaker announced that Representative Clark (Davidson) was excused for the remainder of today's session.

Mr. Speaker McWherter relinquished to Chair to Mr. Bivens, Speaker pro tem.

Senate Bill No. 1210--To establish credit service, Special Technical Assistance Program.

Mr. Robinson (Davidson) moved that Senate Bill No. 1210 be passed on third and final consideration.

Mr. Brewer moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1210 by deleting in the amendatory language of the first sentence of Section 1 the language beginning "by making a payment" and ending "Section 8-37-214." and substituting the following:

. To establish such service, the member shall make a lump sum payment equal to the sum he would have contributed had he been a member during such period of service, plus the employer contributions which would have been made in accordance with the contribution rates in effect during the period in which the service was rendered, plus interest on the employee portion at the rate provided by Section 8-37-214.

Mr. Robinson (Davidson) moved that Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes	39
Noes	45

Representatives voting aye were: Buck, Collier, Covington, Cross, Curlee, Darnell, Davidson, Davis (Gibson), DeBerry, DePriest, Duer, Ellis, Gaia, Garrett, Gill, Hassell, Hobbs, Hurley, Huskey, Jared, Jones, Kent, Kernell, Murphy, Murray, Napier, Rhinehart, Ridgeway, Robinson (Davidson), Severance, Stallings, Starnes, Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Winningham and Yelton--39.

Representatives voting no were: Bell, Bewley, Bivens, Bragg, Brewer, Byrd, Chiles, Clark (Sumner), Cobb, Copeland, Davis (Cocke), Davis (Knox), Drew, Frensley, Harrill, Hawkins, Henry, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore, Naifeh, Patterson, Peroulas, Pruitt, Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Stafford, Swann, Tankersley, Turner, C. (Shelby), Williams, Wix, Wolfe, Wood and Work--45.

Thereupon, on motion, Amendment No. 1 was adopted.

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Mr. Rhinehart moved that Senate Bill No. 1210 be re-referred to the Committee on Finance, Ways and Means.

Mr. Robinson (Davidson) moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	41
Noes	39
Present and not voting	1

Representatives voting aye were: Brewer, Buck, Burnett, Byrd, Collier, Covington, Cross, Curlee, Darnell, Davis (Gibson), DeBerry, DePriest, Duer, Ellis, Gaia, Garrett, Gill, Hassell, Hillis, Hobbs, Huskey, Jared, Kent, Kernell, Murphy, Phillips, Pruitt, Ridgeway, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Stafford, Stallings, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler and Yelton--41.

Representatives voting no were: Bell, Bewley, Bragg, Chiles, Copeland, Davidson, Davis (Cocke), Davis (Knox), Frensley, Harrill, Hawkins, Henry, Hurley, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore, Murray, Naifeh, Napier, Patterson, Peroulas, Rhinehart, Robinson (Hamilton), Scruggs, Swann, Tankersley, Webb, Whitson, Williams, Wolfe, Wood and Work--39.

Representative present and not voting was: Miller--1.

Mr. Robinson (Davidson) moved the previous question, which motion prevailed by the following vote:

Ayes	72
Noes	10

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Collier, Covington, Cross, Curlee, Darnell, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Hassell, Henry, Hillis, Hobbs, Huskey, Jared, Jones, Kent, Kisber, Lawson, Love, May, McAfee, McCroskey, Miller, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Winningham, Wolfe, Wood and Yelton--72.

Representatives voting no were: Davidson, Harrill, Hawkins, Hurley, McNally, Montgomery, Severance, Shirley, Williams, Work--10.

Thereupon, Senate Bill No. 1210 failed to receive a constitutional majority by the following vote:

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Ayes	42
Noes	43
Present and not voting	4

Representatives voting aye were: Bivens, Brewer, Buck, Burnett, Byrd, Collier, Covington, Cross, Curlee, Darnell, Davis (Gibson), DeBerry, DePriest, Duer, Ellis, Gaia, Garrett, Gill, Hassell, Hillis, Hobbs, Huskey, Jones, Kent, Kernell, Miller, Murphy, Phillips, Pruitt, Ridgeway, Robinson (Davidson), Robinson (Washington), Severance, Stallings, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Winningham, Yelton and Mr. Speaker McWherter --42.

Representatives voting no were: Bell, Bewley, Bragg, Chiles, Copeland, Davidson, Davis (Cocke), Davis (Knox), Dixon, Drew, Frensley, Harrill, Hawkins, Henry, Hurley, Jared, Kisber, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore, Murray, Naifeh, Napier, Peroulas, Rhinehart, Scruggs, Shirley, Stafford, Swann, Tankersley, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood and Work--43.

Representatives present and not voting were: Clark (Sumner), Love, Patterson and Starnes--4.

Under the rules, Senate Bill No. 1210 was re-referred to the Committee on Calendar and Rules.

The Speaker announced that Representative Crain was excused because of a Chamber of Commerce meeting.

House Bill No. 1531--To regulate health clubs.

On motion, House Bill No. 1531 was made to conform with Senate Bill No. 1686.

On motion, Senate Bill No. 1686, on same subject, was substituted for House Bill No. 1531.

Mr. Jared moved that Senate Bill No. 1686 be passed on third and final consideration.

Mr. Wheeler moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1686 by deleting from subsection (a) of the amendatory language of Section 4 the words and figures "twenty-four (24)" wherever they appear and substituting instead the words and figures "thirty-six (36)".

AND FURTHER AMEND by deleting from subsection (b) of the amendatory language of Section 4 the words "time of renewal" and

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substituting instead the words "time of renewal or sooner if offered by the health club".

Amendment No. 1 was adopted by the following vote:

Ayes	66
Noes	19
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dills, Dixon, Duer, Frensley, Gafford, Gaia, Garrett, Gill, Hassell, Hawkins, Henry, Hobbs, Hurley, Huskey, Ivy, Kent, King, Kisber, Lawson, Love, McCroskey, Miller, Montgomery, Moore, Murray, Naifeh, Nance, Napier, Phillips, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wood and Yelton--66.

Representatives voting no were: Bivens, Chiles, Cobb, Collier, Davis (Knox), Harrill, Hillis, Jared, May, McNally, Murphy, Patterson, Peroulas, Ridgeway, Shirley, Tankersley, Whitson, Winningham and Wolfe --19.

Representative present and not voting was: Covington--1.

Thereupon, Senate Bill No. 1686, as amended, passed its third and final consideration by the following vote:

Ayes	67
Noes	21
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Collier, Copeland, Covington, Cross, Darnell, Davidson, Davis (Gibson), DeBerry, DePriest, Dixon, Ellis, Frensley, Gaia, Garrett, Gill, Hassell, Hillis, Hobbs, Hurley, Huskey, Jared, Jones, Kent, Kisber, Love, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Shirley, Stafford, Stallings, Starnes, Swann, Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --67.

Representatives voting no were: Bewley, Chiles, Cobb, Curlee, Davis (Cocke), Davis (Knox), Drew, Hawkins, Henry, Kernell, Lawson, May, McAfee, McCroskey, McNally, Robinson (Washington), Scruggs, Severance, Tankersley, Ussery and Webb--21.

Representative present and not voting was: Harrill--1.

A motion to reconsider was tabled.

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House Bill No. 1459--To provide technical and economic assistance to local communities.

Mr. Dixon moved that House Bill No. 1459 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1459 by deleting Section 2 (b) in its entirety and substituting instead the following:

SECTION 2. (b) The agency is created and established for the purpose of developing community resources to strengthen the neighborhoods.

AND FURTHER AMEND by deleting Section 3 (a) and (b) in its entirety and by substituting instead the following:

SECTION 3. (a) Each neighborhood development corporation shall be governed and its corporate powers exercised by a board of directors, which shall consist of not less than five (5) nor more than forty-five (45) members. Each member shall be appointed by the Speaker of the House subject to the approval of the legislative member of the district for which the appointment was made, and shall serve for a term of two (2) years. Any person appointed to fill a vacancy in the office of member shall be appointed in a like manner as and shall serve for only the unexpired term of such member. Any member shall be eligible for reappointment. Any member may be removed from his appointment by the Speaker. The Speaker shall from time to time designate a member of the board as its chairman.

AND FURTHER AMEND by deleting Section 6 in its entirety and substituting instead the following:

If the agency receives a grant from a state agency then the neighborhood development corporation shall annually submit a complete and detailed report of the corporation's activities within ninety (90) days after the end of the fiscal year to the speaker of the house of representatives and to the speaker of the senate.

AND FURTHER AMEND by deleting Section 7 in its entirety and by substituting instead the following:

The books and records of a neighborhood development corporation shall be subject to an annual audit by the state comptroller, provided the agency has received a grant from a state agency.

On motion, the amendment was adopted.

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Mr. Miller moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1459 by adding the following language as a new subsection (b) to the new Section 3 added by House State and Local Government Committee Amendment No. 1:

() Sixty percent (60%) of the board shall constitute a quorum.

On motion, the amendment was adopted.

Mr. Dixon moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1459 by deleting the last sentence of the original Section 1 and by substituting instead the following;

Therefore, it is found that it is in the public interest of the state to promote the prosperity and general welfare of its citizens, a public purpose for which public money may be expended, to provide technical and economic assistance to neighborhoods, and that the creation of the Tennessee Neighborhood Development Corporation and local neighborhood development corporations will assist in serving this public purpose.

AND FURTHER AMEND by inserting in the original Section 2(a) the word "Tennessee" between the words "to be known as the" and the words "Neighborhood Development Corporation".

AND FURTHER AMEND by deleting the initials "NDC" in the original Section 2(a) wherever they appear and by substituting instead the initials "TNDC".

AND FURTHER AMEND by deleting the original Section 2(c).

AND FURTHER AMEND by inserting in Section 3(a), as amended by House State and Local Government Committee Amendment No. 1, before the words "neighborhood development corporation" the word "local".

AND FURTHER AMEND by deleting in the original Section 3(c) the words "The corporation" and substituting instead "A local neighborhood corporation".

AND FURTHER AMEND by deleting in the original Section 3(c) the words "the corporation" and by substituting instead the words "such local neighborhood development corporation".

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AND FURTHER AMEND by adding in the original Section 3(d) before the word "corporation" wherever it appears the words "local neighborhood".

AND FURTHER AMEND by inserting the following new subsection as subsection (a) in Section 3 and renumbering the subsequent subsections accordingly:

(a) In any county having a population of not less than seven hundred seventy thousand (770,000) persons according to the 1980 federal census, or any subsequent federal census, the citizens of any state representative district as defined by Tennessee Code Annotated, Section 3-1-103, may submit a petition for the creation of a local neighborhood development corporation. The petition shall be signed by not less than ten percent (10%) of the number of voters from such state representative district who voted in the gubernatorial election immediately preceding the submission of such petition. The petition shall include a statement of the proposed types of services or assistance to be rendered or the proposed projects or programs to be conducted by such local neighborhood development corporation, and the necessity for such services, assistance, projects, or programs. Each state representative district shall contain no more than one (1) local neighborhood development corporation, and each county shall contain no more than one (1) local development corporation. The Tennessee Neighborhood Development Corporation shall approve the petition submitted by the first proposed local neighborhood development corporation provided it meets the provisions of this Act.

AND FURTHER AMEND by inserting in the original Section 4 before the words "neighborhood development corporation" the word "local".

AND FURTHER AMEND by inserting in the original Section 5 before the words "neighborhood development corporation" wherever they appear the word "local".

AND FURTHER AMEND by inserting in Section 6, as amended by House State and Local Government Committee Amendment No. 1, before the words "neighborhood development corporation" the word "local".

AND FURTHER AMEND by inserting in Section 7 as amended by House State and Local Government Committee Amendment No. 1 before the words "neighborhood development corporation" the word "local".

On motion, the amendment was adopted.

Mr. Dixon moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 1459 by deleting in Section 3(a), as amended, the following words and punctuation, "corporation, and each

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county shall contain no more than one (1) local development corporation." and by substituting instead "corporation."

AND FURTHER AMEND by inserting in Section 3(a), as amended, the words "in each state representative district" between the words "local neighborhood development corporation" and the words "provided it meets the provisions of this Act."

On motion, the amendment was adopted.

Thereupon, House Bill No. 1459, as amended, passed its third and final consideration by the following vote:

Ayes	68
Noes	18
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Cross, Curlee, Darnell, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Garrett, Gill, Hassell, Henry, Hillis, Hobbs, Hurley, Jared, Kernell, King, Kisber, Love, McCroskey, McNally, Miller, Moore, Murphy, Murray, Naifeh, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Work and Yelton--68.

Representatives voting no were: Bewley, Davis (Cocke), Duer, Frensley, Gaia, Harrill, Hawkins, Huskey, Kent, Lawson, McAfee, Montgomery, Moody, Robinson (Washington), Swann, Tankersley, Webb and Wood--18.

Representative present and not voting was: Wolfe--1.

A motion to reconsider was tabled.

Mr. Bragg moved that Senate Bill No. 1160 be re-referred to the Committee on Finance, Ways and Means, which motion prevailed.

Mr. Jones was excused for the remainder of today's session.

Mr. Speaker McWherter asked to be excused for the remainder of today's session.

House Bill No. 1434--To regulate missing children organizations.

On motion, House Bill No. 1434 was made to conform with Senate Bill No. 1639.

On motion, Senate Bill No. 1639, on same subject, was substituted for House Bill No. 1434.

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Ms. Hassell moved that Senate Bill No. 1639 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Jared, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work and Yelton--88.

A motion to reconsider was tabled.

House Bill No. 1829--To exempt law officers or governmental agencies, certain liability.

Mr. Kent moved that House Bill No. 1829 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1829 in SECTION 1 by deleting the amendatory language and replacing it with the following:

(e) Notwithstanding the requirement of this section that drivers of authorized emergency vehicles exercise due regard for the safety of all persons, no municipality, no county nor the state, nor any of its political subdivisions, nor their officers or employees, shall be liable for any injury proximately or indirectly caused to an actual or suspected violator of a law or ordinance who is fleeing pursuit by law enforcement personnel. The fact that law enforcement personnel pursue an actual or suspected violator of a law or ordinance who flees from such pursuit shall not render the law enforcement personnel, or his or their employers, liable for injuries to a third party proximately caused by the fleeing party unless the law enforcement personnel were negligent in his or their conduct and such negligence was a proximate cause of the injuries to the third party.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1829, as amended, passed its third and final consideration by the following vote:

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Ayes	90
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Jared, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work and Yelton--90.

A motion to reconsider was tabled.

House Bill No. 1855--To amend Sections 68-11-106 and 68-11-203, Code.

On motion, House Bill No. 1855 was made to conform with Senate Bill No. 1816.

On motion, Senate Bill No. 1816, on same subject, was substituted for House Bill No. 1855.

Mr. Burnett moved that Senate Bill No. 1816 be passed on third and final consideration.

Mr. Burnett moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1816 by deleting the new Section 3 added by Senate Amendment 1 in its entirety.

FURTHER AMEND by deleting the final sentence of Section 2 added by Senate Amendment 2 in its entirety.

FURTHER AMEND by adding the following new paragraph to Section 2

Tennessee Code Annotated, Section 68-11-203(a) is further amended by deleting from the twelfth line thereof the words and figures "two (2)" and substituting instead the words and figures "three (3)".

On motion, the amendment was adopted.

Thereupon, House Bill No. 1816, as amended, passed its third and final consideration by the following vote:

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Ayes 88
Noes 2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Copeland, Covington, Cross, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Jared, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work and Yelton--88.

Representatives voting no were: Chiles and DeBerry--2.

A motion to reconsider was tabled.

House Bill No. 1211--To authorize bond issue, correction facilities.

Mr. Miller moved that House Bill No. 1211 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 89
Noes 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Jared, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work and Yelton--89.

A motion to reconsider was tabled.

House Bill No. 1893--To tax persons using U.S. property.

On motion, House Bill No. 1893 was made to conform with Senate Bill No. 1911.

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On motion, Senate Bill No. 1911, on same subject, was substituted for House Bill No. 1893.

Mr. Yelton moved that Senate Bill No. 1911 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Jared, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work and Yelton--89.

A motion to reconsider was tabled.

Mr. Yelton moved that House Bill No. 1776 be placed on the Calendar for Wednesday, April 9, 1986, which motion prevailed.

Mr. Darnell moved that House Bill No. 1796 be placed on the Calendar for Wednesday, April 9, 1986, which motion prevailed.

House Bill No. 1295--To expand duties of Soil Conservation Committee.

On motion, House Bill No. 1295 was made to conform with Senate Bill No. 1318.

On motion, Senate Bill No. 1318, on same subject, was substituted for House Bill No. 1295.

Mr. Byrd moved that Senate Bill No. 1318 be passed on third and final consideration.

Mr. Byrd moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1318 by adding the following item to the amendatory language in Section 2:

() To formulate and develop a long-range comprehensive statewide plan for the conservation of Tennessee's soils, including assistance for the use of the districts in implementing

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their plan, and to revise this state plan from time to time as needed in consultation with appropriate sources of information;

AND FURTHER AMEND by deleting from Section 2, Item (9) in its entirety and by substituting instead the following:

(9) To prepare and submit annually to the governor and general assembly an annual report of their activities, budget requests, and funding level for the implementation of soil conservation programs in Tennessee.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1318, as amended, passed its third and final consideration by the following vote:

Ayes	85
Noes	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Jared, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work and Yelton--85

Representatives voting no were: Lawson and Ridgeway--2.

A motion to reconsider was tabled.

House Bill No. 1871--To regulate length, certain motor vehicles.

Mr. Tanner moved that House Bill No. 1871 be passed on third and final consideration.

Mr. Tanner moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1871 by deleting the amendatory language of Section 1. and by substituting instead the following:

The provisions of the preceding sentence relating to maximum width restrictions on trailers and semitrailers shall not apply to a trailer or semitrailer utilized for transporting rolled

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alfalfa bales provided the width of any such trailer or semitrailer, including any part of the load, shall not exceed ten feet (10') (that is five feet (5') on each side of the center line of the trailer, or semitrailer), and such movement is performed during daylight hours within a radius of fifty miles (50) of the point of origin and no part of such movement is upon any highway designated and known as a part of the national system of interstate and defense highways or any fully controlled access highway facility or other Federal-aid highway designated by the commissioner of transportation.

FURTHER AMEND by adding a new Section 2. which shall read as follows, and by re-numbering subsequent sections accordingly:

Section 2. Tennessee Code Annotated, Section 54-11-205, subsection (a), is amended by adding the following language after the third sentence:

It shall not be necessary to obtain a permit nor shall it be unlawful to move any trailer or semitrailer utilized for transporting rolled alfalfa bales provided the width of any such trailer or semitrailer, including any part of the load, does not exceed ten feet (10') (that is five feet (5') on each side of the centerline of the trailer or semitrailer), and such movement is performed during daylight hours within a radius of fifty miles (50) of the point of origin and no part of such movement is upon any highway designated and known as a part of the national system of interstate and defense highways or any fully controlled access highway facility or other Federal-aid highway designated by the commissioner of transportation.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1871, as amended, passed its third and final consideration by the following vote:

Ayes	85
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Jared, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work and Yelton--85.

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A motion to reconsider was tabled.

Mr. Miller moved that House Bill No. 1308 be placed on the Calendar for Thursday, April 10, 1986, which motion prevailed.

FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 250

House Joint Resolution No. 250--Relative to proposing a constitutional amendment, lottery prohibition.

Mr. Kernell moved that House Joint Resolution No. 250 be read.

At the request of the sponsor, House Joint Resolution No. 250 was read by the Clerk.

Mr. Kernell moved that House Joint Resolution No. 250 be placed on the Calendar for Wednesday, April 9, 1986, which motion prevailed.

Mr. Burnett moved that House Bill No. 1485 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

Mr. Frensley moved that House Bill No. 1721 be placed on the Calendar for Wednesday, April 9, 1986, which motion prevailed.

House Bill No. 2046--To regulate development, Milan.

On motion, House Bill No. 2046 was made to conform with Senate Bill No. 2048.

On motion, Senate Bill No. 2048, on same subject, was substituted for House Bill No. 2046.

Mr. Davis (Gibson) moved that Senate Bill No. 2048 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Jared, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

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A motion to reconsider was tabled.

Mr. Ridgeway moved that House Bill No. 2007 be placed on the Calendar for Wednesday, April 9, 1986, which motion prevailed.

House Bill No. 1154--To enact the "Tennessee Business Corporation Act".

On motion, House Bill No. 1154 was made to conform with Senate Bill No. 1218.

On motion, Senate Bill No. 1218, on same subject, was substituted for House Bill No. 1154.

Mr. Murphy moved that Senate Bill No. 1218 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1218 by deleting all of the language added by Senate amendments #1, #2, and #3 and by substituting instead the following:

SECTION 1.20 is amended by adding the following as new Section 1.20(16) and renumbering the subsequent subsections accordingly: "(16) "Month" means the time from any day of any month to the corresponding day of the succeeding month, if any, and if none, the last day of the succeeding month."

SECTION 1.30 is amended by adding the following language as a new subsection at the end of the Section: "(j) The secretary of state has the power to promulgate appropriate rules and regulations establishing acceptable methods for execution of any document to be filed with the secretary of state."

SECTION 1.30(i) is amended by deleting the words "franchise or excise" and by substituting instead the word "corporate"; by deleting the words "or other law" and placing a period after the word "Act"; and by substituting a comma for the word "and" following "5.03" and inserting "and 16.22" after "15.09."

SECTION 1.32 is amended by adding the following as a new subsection (d): "(d) In addition to the other filing requirements of this Act, a copy of all documents specified in Section 1.32(a)(1), (11), (12), (13), (14), (15) and (16) shall also be filed in the office of the register of deeds in the county wherein a corporation has its principal office if such principal office is in Tennessee, and in the case of a merger, in the county in which the new or surviving corporation shall have its principal office if such principal office is in Tennessee. The register of deeds may charge \$5.00 plus \$.50 per page in excess of five (5) pages for such filing."

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SECTION 1.32(a) is deleted in its entirety and replaced with the following: "(a) The secretary of state shall collect the following fees when the documents described in this subsection are delivered to him for filing:

<u>DOCUMENT</u>	<u>FEE</u>
(1) Charter	\$ 50.00
(2) Application for use of indistinguishable name	10.00
(3) Application for reserved name	10.00
(4) Notice of transfer of reserved name	10.00
(5) Application for registered name	10.00
(6) Application for renewal for registered name	10.00
(7) Application for or change, cancellation, or renewal of, assumed name	10.00
(8) Corporation's statement of change of registered agent or registered office or both	10.00
(9) Agent's statement of change of registered office	10.00
(10) Agent's statement of resignation	10.00
(11) Charter amendment	10.00
(12) Restatement of charter	10.00
(13) Articles of merger or share exchange	50.00
(14) Articles of dissolution	10.00
(15) Articles of revocation of dissolution	10.00
(16) Articles of termination or corporate existence	10.00
(17) Certificate of administrative dissolution	No fee
(18) Application for reinstatement following administrative dissolution	35.00
(19) Certificate of reinstatement	No fee
(20) Certificate of judicial dissolution	No fee
(21) Application for certificate of authority	300.00
(22) Application for amended certificate of authority	10.00
(23) Application for certificate of withdrawal	10.00
(24) Certificate of revocation of authority to transact business	No fee
(25) Annual report	10.00
(26) Articles of correction	10.00
(27) Application for certificates of existence or authorization	10.00
(28) Any other document required or permitted to be filed by this Act	10.00"

SECTION 1.32(c) is deleted in its entirety and replaced with the following: "(c) The secretary of state shall collect a fee of \$10.00 for copying all filed documents relating to a domestic or foreign corporation. All such copies will be certified or validated by the secretary of state."

SECTION 1.35(b) is amended by deleting from the first sentence the words "and on the receipt for the filing fee" and placing a period after the word "copy."

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SECTION 1.35(c) is deleted in its entirety and the following is inserted in lieu thereof: "(c) If the secretary of state refuses to file a document, he shall mail it to the domestic or foreign corporation or its representative within a reasonable time after the document was received together with a brief, written explanation of the reason for his refusal."

SECTION 1.35(d) is amended by adding subsection 1.35(d)(4) to the end thereof which reads as follows: "(4) establish that a document purporting to be an exact or conformed copy pursuant to Section 1.30(i) is in fact an exact or conformed copy."

SECTION 1.36 is amended by adding the following language as a new subsection at the end of the Section: "(d) Any judicial review of the secretary of state's refusal to file a document shall be conducted in accordance with the provisions of the Administrative Procedure Act, T.C.A. Section 4-5-101, et seq."

SECTION 1.38(b)(4) is amended by deleting the words "delivered to" and by substituting instead the words "filed with".

SECTION 2.02(a) is amended by adding item (6) as follows: "a statement that the corporation is for profit."

SECTION 2.02(a)(3) is amended by adding the words "and zip plus 4 zip code" between the word "address" and the word "of".

SECTION 2.02(a)(4) is amended by adding the words "and zip plus 4 zip code" between the word "address" and the word "of".

SECTION 4.03(c) is deleted in its entirety and replaced with the following: "(c) The name is registered for the applicant's exclusive use upon the effective date of the application and until the end of the calendar year in which such registration occurs."

SECTION 5.05(a) is amended by inserting the following sentence after the end of the second sentence: "If none of the previously mentioned addresses are available to the secretary of state, service may be made on any one of the incorporators at the address set forth in the charter."

SECTION 5.05(b) and SECTION 5.05(c) are amended by adding the words "or failure" after the word "refusal," the words "or failing" after the word "refusing," the words "or fails" after the word "refuses" and the words "or undelivered" after the word "refused" each time such words appear in said Section 5.05(b) and Section 5.05(c).

SECTION 8.25(a) is deleted in its entirety and replaced with the following: "(a) Unless the charter or bylaws provide otherwise, the board of directors may create one or more

committees. A committee may consist of one member. All members of committees of the board of directors which exercise powers of the board of directors must be members of the board of directors and serve at the pleasure of the board of directors."

Chapter 11 is amended by deleting Section 11.08 in its entirety.

SECTION 11.03(g) is amended by adding the following as new subsections (3) and (4): "(3) the number of voting shares outstanding immediately after the merger, plus the number of voting shares issuable as a result of the merger (either by conversion of securities issued pursuant to the merger or the exercise of rights and warrants issued pursuant to the merger), will not exceed by more than 20 percent the number of voting shares of the surviving corporation outstanding immediately before the merger; and

(4) the number of participating shares outstanding immediately after the merger, plus the number of participating shares issuable as a result of the merger (either by conversion of securities issued pursuant to the merger or the exercise of rights and warrants issued pursuant to the merger), will not exceed by more than 20 percent the total number of participating shares outstanding immediately before the merger."

SECTION 11.03 is amended by adding the following as a new subsection (i): "(i) As used in subsection (g):

(1) "Voting shares" means shares that entitle their holders to vote unconditionally in election of directors.

(2) "Participating shares" means shares that entitle their holders to participate without limitation in distributions."

SECTION 14.04(a) is deleted in its entirety and replaced with the following: "(a) A corporation may revoke its dissolution at any time prior to filing the articles of termination of corporate existence by the secretary of state."

SECTION 14.08(b) is amended by deleting the first sentence and replacing it with the following: "If the secretary of state finds that the articles of termination of corporate existence comply with the requirements of Section 14.08(a) and has received a certificate from the commissioner of revenue that the corporation has properly filed all reports and paid all taxes and penalties required by revenue laws of this state, the secretary of state shall file the articles of termination of corporate existence."

SECTION 14.20 is amended by deleting Section 14.20(1) in its entirety and by renumbering the subsequent subsections accordingly.

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SECTION 14.21(a) is amended by deleting the word "notice" and by substituting instead the word "communication".

SECTION 14.21(b) is amended by deleting the word "notice" and by substituting instead the word "communication".

SECTION 14.21 is amended by adding the following language as a new subsection at the end of the Section: "(e) Nothing herein shall be deemed to repeal or modify Section 67-4-917 or any other provisions of law relating to the revocation of the charter of a corporation for failure to comply with the provisions thereof."

SECTION 14.30(2)(iii) is deleted in its entirety and replaced with the following: "(iii) the shareholders are deadlocked in voting power and have failed, for a period that includes at least two (2) consecutive annual meeting dates, to elect directors; or"

SECTION 15.03 is amended by deleting the punctuation and word "; and" from Section 15.03(a)(6) and placing a period after the word "officers" in Section 15.03(a)(6); and by deleting Section 15.03(a)(7) in its entirety.

SECTION 15.03(a)(4) is amended by adding the words and punctuation ", including the zip plus 4 zip code," between the word "address" and the word "of".

SECTION 15.03(a)(5) is amended by adding the words and punctuation ", including the zip plus 4 zip code," between the word "address" and the word "of".

SECTION 15.03(a)(6) is amended by adding the words and punctuation ", including the zip plus 4 zip code," between the word "addresses" and the word "of".

SECTION 15.03(a) is amended by adding a new item (7) as follows: "a statement that it is a corporation for profit."

SECTION 15.06 is amended by deleting Section 15.06(a) in its entirety and replacing it with the following:

"(a) A foreign corporation may obtain or maintain a certificate of authority to transact business in this state under any of the following names:

(1) the corporate name of the foreign corporation, provided such name complies with the provisions of Section 4.01; or

(2) an assumed corporate name which meets the requirements of Section 4.01."

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SECTION 15.08(a)(3) is amended by adding the words and punctuation ", including the zip plus 4 zip code," between the word "address" and the word "of".

SECTION 15.30 is amended by deleting Section 15.30(2) in its entirety and renumbering the subsequent sections accordingly.

SECTION 15.31(a) is amended by deleting the word "notice" and substituting instead the word "communication."

SECTION 15.31(b) is amended by deleting the word "notice" and substituting instead the word "communication."

SECTION 15.32 is deleted in its entirety and replaced with the following two sections:

"SECTION 15.32 REINSTATEMENT FOLLOWING ADMINISTRATIVE REVOCATION

(a) A foreign corporation whose certificate of authority is administratively revoked under Section 15.31 may apply to the secretary of state for reinstatement within two (2) years after the effective date of such revocation. The application must:

(1) recite the name of the corporation and the effective date of the administrative revocation;

(2) state that the ground or grounds for revocation either did not exist or have been eliminated;

(3) state that the corporation's name satisfies the requirements of Section 4.01; and

(4) contain a certificate from the commissioner of revenue reciting that all taxes owed by the corporation have been paid.

(b) If the secretary of state determines that the application contains the information required by subsection (a) and that the information is correct, he shall reinstate the certificate of authority, prepare a certificate that recites his determination and the effective date of reinstatement, file the original of the certificate, and serve a copy on the corporation under Section 5.04.

(c) When the reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative revocation and the corporation resumes carrying on its business as if the administrative dissolution had never occurred.

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SECTION 15.33 APPEAL FROM DENIAL OF REINSTATEMENT

(a) If the secretary of state denies a foreign corporation's application for reinstatement following administrative revocation, he shall serve the corporation under Sections 5.04 and 5.05 with a written communication that explains the reason or reasons for denial.

(b) The corporation may appeal the denial of reinstatement to the Chancery Court of Davidson County within thirty (30) days after service of the communication of denial is perfected. The corporation appeals by petitioning the court to set aside the revocation and attaching to the petition copies of the secretary of state's communication of denial.

(c) The court may summarily order the secretary of state to reinstate the revoked corporation or may take other action the court considers appropriate.

(d) The court's final decision may be appealed as in other civil proceedings."

SECTION 16.22 is amended by deleting Sections 16.22(6) and 16.22(7) in their entirety and renumbering the subsequent sections accordingly.

SECTION 16.22(a)(2) is amended by adding the words and punctuation ", including the zip plus 4 zip code," between the word "address" and the word "of".

SECTION 16.22(a)(3) is amended by adding the words and punctuation ", including the zip plus 4 zip code," between the word "address" and the word "of".

SECTION 16.22(a)(4) is amended by adding the words and punctuation ", including the zip plus 4 zip code," between the word "addresses" and the word "of".

SECTION 16.22(8) is amended by deleting the words "and an undertaking to provide it to the Secretary of State as soon as practicable after its receipt" and placing a period after the words "applied for."

SECTION 17.06 is amended by substituting "October 1, 1987" for "July 1, 1987."

Every reference in this Bill to the period "thirty (30) days" is deleted and the words "one (1) month" are substituted therefor.

Every reference in this Bill to the period "sixty (60) days" is deleted and the words "two (2) months" are substituted therefor.

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Every reference in this Bill to the period "ninety (90) days" is deleted and the words "three (3) months" are substituted therefor.

Every reference in this Bill to the period "one hundred twenty (120) days" is deleted and the words "four (4) months" are substituted therefor.

SECTION 2.02(a) is amended by adding the following as a new subsection (5) and renumbering the subsequent subsections accordingly: "(5) the address of the principal office of the corporation;"

SECTION 4.01(d)(3) is amended by adding the following language after the first sentence:

"A corporation may reserve or use no more than five (5) assumed names during the same period."

SECTION 14.20 is amended by adding the following as a new Section 14.20(4) and renumbering the subsequent subsections accordingly: "(4) the name of a corporation contained in a document filed after the enactment of this Act fails to comply with the provisions of Section 4.01."

Tennessee Code Annotated, Section 48-1-1103(a)(8) is deleted in its entirety.

Tennessee Code Annotated, Section 48-1-1301, is amended by adding the following as a new subsection at the end of the Section: "(e) The secretary of state has the power to promulgate appropriate rules and regulations establishing acceptable methods for execution of any document filed with the secretary of state pursuant to the provisions of chapters 1 through 14 of this title."

The last two amendatory paragraphs added by this amendment shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1218, as amended, passed its third and final consideration by the following vote:

Ayes	83
Noes	6

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry,

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Hillis, Hobbs, Hurley, Huskey, Jared, Kent, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Work and Yelton--83.

Representatives voting no were: Chiles, Murray, Shirley, Stafford, Webb and Wood--6.

A motion to reconsider was tabled.

Mr. Murphy moved that House Bill No. 1232 be placed on the Calendar for Wednesday, April 9, 1986, which motion prevailed.

House Bill No. 604--To make certain provisions, administrative procedures.

On motion, House Bill No. 604 was made to conform with Senate Bill No. 771.

On motion, Senate Bill No. 771, on same subject, was substituted for House Bill No. 604.

Mr. Murphy moved that Senate Bill No. 771 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Copeland, Covington, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Jared, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work and Yelton--89.

Representative voting no was: Chiles--1.

A motion to reconsider was tabled.

Mr. Love moved that House Bill No. 1479 be placed on the Calendar for Wednesday, April 9, 1986, which motion prevailed.

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Mr. Wood moved that House Bill No. 1605 be placed on the Calendar for Wednesday, April 9, 1986, which motion prevailed.

House Bill No. 1835--To make certain provisions, county legislative bodies.

On motion, House Bill No. 1835 was made to conform with Senate Bill No. 1802.

On motion, Senate Bill No. 1802, on same subject, was substituted for House Bill No. 1835.

Mr. Darnell moved that Senate Bill No. 1802 be passed on third and final consideration.

Mr. Darnell moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1802 by deleting Section 1, 2, 3, and 4 as amended and substituting instead the following:

Section 1. Tennessee Code Annotated, Sections 5-5-102 (c), 6-2-402, 6-20-205, 6-54-107, and 12-4-101, are amended by adding the following as new paragraphs or new subsection, as appropriate, to each such section:

Any member of a local governing body of a county or a municipality who is also an employee of such county or municipality may vote on matters in which he has a conflict of interest if the member informs the governing body immediately prior to the vote as follows: "Because I am an employee of (name of governmental unit), I have a conflict of interest in the proposal about to be voted. However, I declare that my argument and my vote answer only to my conscience and to my obligation to my constituents and the citizens this body represents."

In the event a member of a local governing body of a county or a municipality has a conflict of interest in a matter to be voted upon by the body, he may abstain for cause by announcing such to the presiding officer.

Any member of a local governing body of a county or municipality who abstains from voting for cause on any issue coming to a vote before the body, shall not be counted for the purpose of determining a majority vote.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Mr. Rhinehart moved the previous question, which motion failed by the following vote:

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Ayes	43
Noes	29
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Buck, Burnett, Byrd, Collier, Covington, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DePriest, Dixon, Gaia, Garrett, Gill, Hillis, Hobbs, Hurley, Huskey, Jared, Kisber, McCroskey, Miller, Moore, Murphy, Murray, Naifeh, Napier, Phillips, Rhinehart, Robinson (Hamilton), Shirley, Stallings, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Williams, Winningham, Work and Yelton--43.

Representatives voting no were: Bewley, Clark (Sumner), Cross, Davis (Knox), Drew, Duer, Frensley, Harrill, Hassell, Henry, May, McAfee, Montgomery, Moody, Nance, Patterson, Peroulas, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Stafford, Swann, Webb, Whitson, Wix, Wolfe and Wood--29.

Representative present and not voting was: Bragg--1.

Mr. Burnett moved the previous question, on the amendment which motion prevailed by the following vote:

Ayes	55
Noes	22
Present and not voting	3

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Byrd, Clark (Sumner), Collier, Covington, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Gaia, Garrett, Hassell, Hillis, Hobbs, Hurley, Huskey, Jared, Kent, Kisber, Lawson, Love, Miller, Murphy, Murray, Naifeh, Napier, Patterson, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Work and Yelton--55.

Representatives voting no were: Cross, Davis (Knox), Drew, Duer, Frensley, Harrill, Hawkins, Henry, May, McAfee, McCroskey, McNally, Moody, Nance, Peroulas, Scruggs, Severance, Shirley, Stafford, Swann, Tankersley and Wood--22.

Representatives present and not voting were: Bragg, Ellis and Kernell--3.

Thereupon, Amendment No. 1 was adopted by the following vote:

Ayes	61
Noes	17
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Burnett, Byrd, Clark (Sumner), Collier, Cross, Darnell, Davidson, Davis

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(Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Gill, Hassell, Hawkins, Hillis, Hobbs, Hurley, Huskey, Jared, Kent, Kernell, Kisber, Lawson, Love, Miller, Moody, Murphy, Murray, Naifeh, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Stallings, Starnes, Swann, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Winningham, Wolfe, Work and Yelton--61.

Representatives voting no were: Buck, Davis (Knox), Drew, Duer, Harrill, Henry, May, McAfee, McCroskey, McNally, Moore, Scruggs, Shirley, Stafford, Tankersley, Williams and Wood--17.

Representatives present and not voting were: Bragg and Covington--2.

Mr. Lawson moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 1802 by adding the following new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section _____. Nothing in this act shall be construed as altering, amending or otherwise affecting the provisions of Tennessee Code Annotated, Section 12-4-101(a). In the event of any conflict between this act and Tennessee Code Annotated, Section 12-4-101(a), the provisions of Section 12-4-101(a) shall prevail.

On motion, the amendment was adopted.

Mr. Darnell moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 1802 by adding the following new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

SECTION _____. The vote of any person having a conflict of interest who does not inform the governing body of such conflict as provided in Section 1 shall be void if challenged in a timely manner. As used in this section, "timely manner" means during the same meeting at which the vote was cast and prior to the transaction of any further business by the body.

On motion, the amendment was adopted.

Mr. Wheeler asked to be recorded as voting "No" on Amendment No.

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Mr. Burnett moved the previous question, which motion prevailed by the following vote:

Ayes	60
Noes	23
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Collier, Covington, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Gill, Hassell, Hillis, Hobbs, Hurley, Huskey, Jared, Kent, Kernell, King, Kisber, Love, Miller, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shirley, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Whitson, Williams, Winningham, Wix, Work and Yelton--60.

Representatives voting no were: Chiles, Cross, Davis (Knox), Drew, Duer, Frensley, Hawkins, Henry, May, McAfee, McCroskey, McNally, Montgomery, Moody, Peroulas, Scruggs, Severance, Stafford, Swann, Tankersley, Webb, Wolfe and Wood--23.

Representatives present and not voting was: Bragg--1.

Thereupon, Senate Bill No. 1802, as amended, passed its third and final consideration by the following vote:

Ayes	54
Noes	28
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Brewer, Burnett, Byrd, Clark (Sumner), Collier, Covington, Cross, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Gaia, Garrett, Gill, Hassell, Hawkins, Hillis, Hobbs, Hurley, Huskey, Jared, Kent, Kernell, Love, McNally, Miller, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Whitson, Winningham, Work and Yelton--54.

Representatives voting no were: Buck, Chiles, Cobb, Copeland, Davis (Knox), Drew, Duer, Frensley, Harrill, Henry, Lawson, May, McAfee, McCroskey, Montgomery, Moody, Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Swann, Tankersley, Webb, Wheeler, Williams, Wolfe and Wood--28.

Representatives present and not voting were: Bragg and Shirley --2.

House Bill No. 948--To make certain provisions, polygraph examinations.

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On motion, House Bill No. 948 was made to conform with Senate Bill No. 879.

On motion, Senate Bill No. 879, on same subject, was substituted for House Bill No. 948.

Mr. Murphy moved that Senate Bill No. 879 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 948 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-27-104, is amended by deleting subsection (a)(2) in its entirety, and by substituting instead the following:

(2) Such board shall be composed of seven (7) members, who shall be appointed by the governor for terms of four (4) years. Three (3) members shall be licensed polygraph examiners, one (1) member shall be a person who relies on the use of polygraph examinations in the performance of his official duties, and three (3) members shall be persons who have never administered polygraph or other examinations utilizing instrumentation for the purpose of detecting deception or verifying truth of statements.

Section 62-27-104(a)(3), is amended by deleting the word "and", by changing the period at the end of the item to a semi-colon, and by adding the following language:

and the two (2) additional members shall hold office for four (4) years.

SECTION 2. Tennessee Code Annotated, Section 62-27-107, is amended by designating the existing language as subsection (a), and by adding the following language to be designated as subsection (b):

(b) Each polygraph examining company, organized for the purpose of employing two or more polygraph examiners on a full time salaried basis shall, beginning January 1, 1987, make application to the secretary of the board in writing under oath on forms prescribed by the board. The application shall be accompanied by the required fee, which is not refundable. The application shall contain such information as the board deems necessary, including without limitation, the names of the corporate officers, the principal place of business, the business telephone number

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at the principal place of business and the specific name of the person to be contacted. Each such company shall be required to certify that it employs only qualified licensed polygraph examiners who meet the qualifications required by this act.

SECTION 3. Tennessee Code Annotated, Section 62-27-115 (a), is amended by inserting the following language between the word "All" and the words "polygraph examiner's":

company licenses and all

Section 62-27-115, is further amended by adding the following language as a new subsection to be appropriately designated:

() If a polygraph examiner does not maintain audio and/or video tapes of all examinations and has a complaint of alleged impropriety lodged against him by an examinee, that examiner shall be required to submit to a polygraph examination to be administered by a licensed polygraph examiner who is a member of the board or appointed by the board. The examination shall include questions concerning the specific alleged impropriety lodged against the examiner being tested. The cost of the examination shall be paid by the examiner against whom such complaint has been lodged at the time of such examination.

SECTION 4. Tennessee Code Annotated, Section 62-27-112, is amended by adding the following language as a new subsection to be appropriately designated:

() The fee to be paid for a company license and renewal of such company license is five hundred dollars (\$500).

SECTION 5. Tennessee Code Annotated, Section 62-27-113 (a), is amended by adding the following language at the end of the subsection:

or in the case of a company license at the principal business location

SECTION 6. Tennessee Code Annotated, Section 62-27-114, is amended by inserting the words "or company" after the word "examiner" and before the word "licensed".

SECTION 7. Tennessee Code Annotated, Section 62-27-117, is amended by adding the following language as a new item to be appropriately designated:

() For failing to fully and completely inform the examinee of his rights and to follow the procedure for examination, as provided in this chapter;

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() In the case of a company, willful disregard in the employment of polygraph examiners who demonstrate unworthiness or incompetency to act as polygraph examiners;

Section 62-27-117(4), is amended by adding the following language at the end of the item:

, and inquiring into areas prohibited by this chapter;

SECTION 8. Tennessee Code Annotated, Section 62-27-123, is amended by adding the following language as a new subsection to be appropriately designated:

() It shall be unlawful for a polygraph examiner to inquire into any of the following areas during a polygraph examination with respect to employment, unless the examination is administered as a result of an investigation of illegal activity in such area, and the inability to pose relevant questions in relation to such illegal activity would be detrimental to such investigation:

(1) religious beliefs or affiliations;

(2) beliefs or opinions regarding racial matters;

(3) political beliefs or affiliations;

(4) beliefs, affiliations, or lawful activities regarding unions or labor organizations;

(5) sexual preferences or activities; or

(6) actions or activities more than five (5) years preceding the date of the examination, except for felony convictions and violations of the Tennessee Drug Control Act.

Any violation of this subsection shall be a misdemeanor, and shall be punishable as provided in Tennessee Code Annotated, Section 39-1-202.

SECTION 9. Tennessee Code Annotated, Section 62-27-119, is amended by deleting the following language from the section:

, and not reported those illegal actions to the board in writing

SECTION 10. Tennessee Code Annotated, Title 62, Chapter 27, Part 1, is amended by adding the following language as a new section to be appropriately numbered:

SECTION _____. In order to protect the rights of the examinee in the administration of the polygraph examination, the following minimum procedures must be followed:

(1) Each prospective examinee shall be required to sign a notification and receive a copy of such notification on a form prescribed by the board, prior to the beginning of a polygraph examination, which contains the following information:

(A) That he is consenting voluntarily to the examination;

(B) That he has the right to refuse to take a polygraph examination;

(C) That he has the right to refuse to answer any question;

(D) That he may terminate the examination at any time;

(E) That he has the right to make a written request to the examiner within thirty (30) days of the examination to be furnished the results of the examination upon the payment of a reasonable fee to be established by the board to cover the cost of such results, and that upon receipt of the written request and payment of such fee, the examiner shall within thirty (30) days of receipt of such written request provide the examinee with a written copy of any opinions or conclusions rendered as a result of the examination.

(F) That he has the right to make a written request to the examiner that an audio recording be made of the examination and pre-test interview, and the examiner shall furnish the examinee a copy of the recording within thirty (30) days of the receipt of the written request and payment of a reasonable fee to be established by the board to cover the cost of such recording.

(G) The name of the polygraph examiner, his polygraph examiner license number issued by the board, and his business address;

(H) The name and address of the State Board of Polygraph Examiners; and

(I) That he has the right to file a complaint with the board if he feels that he has been mistreated in any way.

(2) Each prospective examinee of an employment examination shall be shown a list of the questions to be asked on a form prescribed by the board and the questions

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shall be reviewed with the examinee prior to the commencement of the examination.

(3) Each prospective examinee of an employment examination shall be shown a list of those areas which the examination will not cover on a form prescribed by the board as provided in the new subsection added by Section 9.

(4) If the polygraph examiner is a law enforcement official or other officer of the court, such fact shall be disclosed to the examinee prior to the commencement of the examination, and such examiner shall further inform the examinee that should the examinee choose to proceed with the examination, under such circumstances, any illegal activity disclosed during such examination may be used against him in a court of law.

The Board shall by rule and regulation establish appropriate forms and language to be contained on such forms to accomplish the purposes of this Section.

SECTION 11. Tennessee Code Annotated, Title 62, Chapter 27, Part 1, is amended by adding the following appropriately numbered new sections:

SECTION ____.

(a) If prior to the commencement of the examination the examinee requests in writing that the examination be taped, an audio tape recording of the entire examination, including pre-test interviews, shall be made. In the event that a test result shows that the examinee has been deceptive and the examinee has requested in writing that the examination be taped, the polygraph examiner shall keep the tape recording on file with other tests results for a one (1) year period. The polygraph examiner shall inform the examinee that such tape recording and test results will be available to him for inspection or copying during such one (1) year period.

(b) Failure to tape record a pre-employment examination pursuant to subsection (a) of this section shall constitute separate acts of examiner misconduct which may result in revocation or suspension of the examiner's license by the board.

(c) The commission may upon its own motion, and shall upon the verified complaint in writing of any person setting forth a cause of action under this section, investigate and ascertain the facts and, if warranted, hold a hearing for a reprimand, or for the suspension or revocation of a license.

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All hearings shall be conducted pursuant to the requirements of the Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

If a polygraph examiner is found guilty of any violation of the provisions of this section, the board shall impose penalties and fines for such violations, including but not limited to the following:

(1) For a first violation: six (6) month's suspension of his license, and a five hundred dollar (\$500) fine upon reapplication for a license. The provisions of Section 62-27-115 (b)(2) shall be applicable to such reapplication.

(2) Second violation: one (1) year suspension of his license, and a one thousand dollar (\$1,000) fine upon reapplication for a license. The provisions of Section 62-27-115 (b)(2) shall be applicable to such reapplication.

(3) Third violation: permanent suspension of his license, and a fine of twenty-five hundred dollars (\$2,500).

(d) Complaints of alleged violations shall be filed in writing with the board in a manner to be prescribed by the board, and the board shall prescribe the manner in which complaints shall be investigated.

All hearings shall be conducted pursuant to the requirements of the Uniform Administrative Procedures Act.

SECTION _____. No licensed polygraph examiner shall conduct more than one (1) polygraph examination per hour.

SECTION _____.

No employer may take any personnel action based solely upon the results of a polygraph examination.

SECTION 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 13. This Act shall take effect July 1, 1986, the public welfare requiring it.

On motion, the amendment was adopted.

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Thereupon, Senate Bill No. 879, as amended passed its third and final consideration by the following vote:

Ayes	82
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Sumner), Collier, Copeland, Covington, Cross, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Jared, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work and Yelton--82.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

433--To regulate soil erosion programs; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

House Bill No. 145--To make certain provisions, soil erosion.

On motion, House Bill No. 145 was made to conform with Senate Bill No. 433.

On motion, Senate Bill No. 433, on same subject, was substituted for House Bill No. 145.

Mr. Moore moved that Senate Bill No. 433 be passed on third and final consideration.

Mr. Chiles moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 433 by deleting Section 6 of Amendment 1 in its entirety and by renumbering the subsequent sections accordingly.

And Further Amend by deleting the first sentence of the amendatory language in the existing Section 7 of Amendment 1 and by substituting instead the following:

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Four cents (4¢) of the twenty-six cents (26¢) per one hundred dollars (\$100) collected pursuant to subsection (a) shall be credited to a special agency account in the state general fund known as the "1986 Wetland Acquisition Fund.;

Mr. Rhinehart moved that the amendment be tabled, which motion failed by the following vote:

Ayes	41
Noes	42
Present and not voting	4

Representatives voting aye were: Bell, Brewer, Clark (Sumner), Cobb, Copeland, Covington, Darnell, Davis (Cocke), Duer, Frensley, Gaia, Garrett, Gill, Hassell, Hillis, Jared, Kent, Kernell, Kisber, Love, McNally, Miller, Moore, Murphy, Murray, Naifeh, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, L. (Shelby), Ussery, West, Wheeler and Williams--41.

Representatives voting no were: Bewley, Bivens, Buck, Burnett, Chiles, Collier, Cross, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Drew, Ellis, Harrill, Hawkins, Henry, Hobbs, Hurley, Huskey, Lawson, May, McAfee, McCroskey, Montgomery, Moody, Nance, Napier, Phillips, Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Turner, C. (Shelby), Webb, Whitson, Winningham, Wix, Wolfe Wood and Yelton--42.

Representatives present and not voting were: Bragg, Byrd, Patterson and Work--4.

Mr. Hobbs moved the previous question on the amendment, which motion failed by the following vote:

Ayes	43
Noes	36
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bragg, Buck, Cross, Darnell, Davis (Cocke), Davis (Gibson), Davis (Knox), Drew, Frensley, Gaia, Garrett, Harrill, Hobbs, Hurley, Huskey, Love, May, McAfee, McCroskey, McNally, Montgomery, Moody, Naifeh, Nance, Napier, Patterson, Phillips, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Stafford, Starnes, Turner, C. (Shelby), Webb, Whitson, Winningham, Wix, Wolfe, Wood and Yelton--43

Representatives voting no were: Bivens, Burnett, Byrd, Clark (Sumner), Cobb, Collier, Copeland, Covington, Davidson, DeBerry, Dixon, Duer, Ellis, Gill, Hassell, Henry, Hillis, Jared, Kent, Kernell, Kisber, Miller, Murphy, Murray, Peroulas, Rhinehart, Ridgeway, Robinson (Hamilton), Scruggs, Stallings, Swann, Tankersley, Turner (Hamilton), Turner, L. (Shelby), West and Williams--36.

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Representative present and not voting was: Brewer--1.

Mr. Rhinehart moved that Amendment No. 1 be rejected.

Mr. McCroskey moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	41
Noes	37
Present and not voting	1

Representatives voting aye were: Bewley, Buck, Burnett, Byrd, Chiles, Collier, Cross, Davis (Gibson), Davis (Knox), Dixon, Drew, Ellis, Frensley, Gaia, Harrill, Hawkins, Henry, Hobbs, Hurley, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Nance, Napier, Peroulas, Phillips, Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Turner, C. (Shelby), Turner, L. (Shelby), Webb, Wix, Wolfe and Wood--41.

Representatives voting no were: Bivens, Bragg, Brewer, Clark (Sumner), Cobb, Covington, Darnell, Davidson, DeBerry, Duer, Garrett, Gill, Hassell, Hillis, Jared, Kent, Kernell, Kisber, Love, Miller, Murphy, Murray, Naifeh, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), West, Williams, Winningham, Work and Yelton--37.

Representative present and not voting was: Patterson--1.

Mr. Moore moved that Senate Bill NO. 433 be placed on the Calendar for Wednesday, April 9, 1986, which motion prevailed.

House Bill No. 1230--To make certain provisions, county correctional facilities.

On motion, House Bill No. 1230 was made to conform with Senate Bill No. 1261.

On motion, Senate Bill No. 1261, on same subject, was substituted for House Bill No. 1230.

Mr. Miller moved that Senate Bill No. 1261 be passed on third and final consideration.

Ms. Williams moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1261 by inserting the following language as a new section immediately preceding the severability section and by appropriately renumbering subsequent sections:

Section _____. The sheriff shall within 30 days report to the county legislative body and-to the department of correction the

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name of any prisoner who escapes while serving on a work detail and shall indicate whether the word detail such prisoner was serving on was supervised or unsupervised.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1261, as amended passed its third and final consideration by the following vote:

Ayes	83
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Cross, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Drew, Duer, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Jared, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--83.

A motion to reconsider was tabled.

Mr. Bell moved that the rules be suspended for the purpose of introducing House Bill No. 2067 out of order, which motion prevailed.

INTRODUCTION OF BILL

House Bill No. 2067--To authorize bond issue, Tenth School District, Wilson County--By Bell.

Passed first consideration.

Mr. Davidson moved that the rules be suspended for the purpose of introducing House Bill Resolution No. 2068 out of order, which motion prevailed.

INTRODUCTION OF BILL

House Bill No. 2068--To amend Charter, Ridgetop--By Davidson.

Passed first consideration.

Mr. Gafford moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 671 out of order, which motion prevailed.

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House Joint Resolution No. 671--Relative to honoring John Kimbrell--By Gafford.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Gafford, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Miller moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 675 out of order, which motion prevailed.

House Joint Resolution No. 675--Relative to honoring Arthur Vincent Clancy, Jr.--By Miller, Scruggs, Severance, Davis (Knox), Peroulas and Drew.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Miller, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Bragg moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 677 out of order, which motion prevailed.

House Joint Resolution No. 677--Relative to commending Jack Weatherford--By Bragg and Hobbs.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Bragg, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Davis (Knox) moved that the rules be suspended for the purpose of introducing House Resolution No. 132 out of order, which motion prevailed.

House Resolution No. 132--Relative to study, tort liability--By Davis (Knox), Williams, Darnell, Murphy and Moody.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Davis (Knox), the resolution was referred to the Committee on Calendar and Rules.

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Mr. Scruggs moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 325 out of order, which motion prevailed.

Senate Joint Resolution No. 325--Relative to commending Senator Ben Longley.

Mr. Scruggs moved that Senate Joint Resolution No. 325 be concurred in, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Drew, Duer, Ellis, Frensley, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, Kisber, Lawson, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

A motion to reconsider was tabled.

Mr. Collier moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 326 out of order, which motion prevailed.

Senate Joint Resolution No. 326--Relative to congratulating "Benton County Sesquicentennial Year."

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Collier, the resolution was concurred in.

A motion to reconsider was tabled.

RESOLUTION RE-REFERRED

On motion of Mr. DePriest, House Joint Resolution 638 was recalled from the Committee on Transportation.

On motion of Mr. DePriest, House Joint Resolution 638 was referred to the Committee on Calendar and Rules.

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ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1412, 1600, 1736, 1743, 1883, 2034, 2044, 2048, 2049, 2050, 2051 and 2053; and House Joint Resolutions Nos. 504, 560, 605, 622, 627, 635, 636, 637, 639, 640, 641, 642, 645, 646, 647, 648, 650, 651, 654, 655, 656, 657 and 659; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

260--Relative to designating "Eugene W. Foewinkle Central Laboratory";

315--Relative to recess, 94th General Assembly; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1600--To regulate work release program costs;

1671--To authorize payroll deductions, certain associations;

1743--To regulate Retailers' Sales Tax Act;

1802--To enact Municipal Development Authority Act;

1883--To regulate taxation, certain property;

1945--To create Blount County Technology Corridor Development Authority;

2013--To set term of office, boards of education, certain counties;

2016--To amend road law, Macon County;

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2042--To amend Charter, Portland; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

1505--To define police officers, certain purposes;

1611--To amend Retailers' Sales Tax Act;

1629--To enact The Comprehensive Tax Restructure Act;

1910--To make provisions, certain mileage allowances;

2058--To fix certain compensation for meeting, Henderson; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

892--To establish a Missing Child Recovery Procedure;

1444--To regulate enforcement of tax liens; both substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 1259, 1272, 1275, 1345, 1347, 1504, 1543, 1544, 1580, 1606, 1619, 1669, 1694, 1775, 1785, 1801, 1980, 1994, 1997, 2009, 2020, 2027, 2028, 2033, 2035 and 2037; also House Joint Resolutions Nos. 197, 602 and 603; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 1259, 1272, 1275, 1345, 1347, 1504, 1543, 1544, 1580, 1606, 1619, 1669, 1694, 1775, 1785, 1801, 1980, 1994, 1997, 2009, 2020, 2027, 2028, 2033, 2035 and 2037; and House Joint Resolutions Nos. 197, 602 and 603; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 219, 1174, 1213, 1225, 1245, 1257, 1312, 1378, 1389, 1437, 1459, 1484, 1507, 1555, 1617, 1638, 1643, 1696, 1844, 1854, 1868, 2043 and 2045; also Senate Joint Resolutions Nos. 300 and 306; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1011, 1192, 1246, 1588, 1661, 1670, 1682, 1686, 1731, 1769, 1799, 1912, 1992, 2019, 2024, 2030, 2031 and 2032; and House Joint Resolutions Nos. 608, 612, 613, 614, 615, 616, 617 and 628; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 219, 1174, 1213, 1225, 1245, 1257, 1312, 1378, 1389, 1437, 1459, 1484, 1507, 1555, 1617, 1638, 1643, 1696, 1844, 1854, 1868, 2043 and 2045; Senate Joint Resolutions Nos. 300 and 306; House Bills Nos. 1011, 1192, 1246, 1588, 1661, 1670, 1682, 1686, 1731, 1769, 1799, 1912, 1992, 2019, 2024, 2029, 2030, 2031 and 2032; and House Joint Resolutions Nos. 608, 612, 613, 614, 615, 616, 617 and 628.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill

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No.:

1735--To create statewide public guardianship program, elderly; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1211, 1453, 1459, 1829 and 1871; and House Joint Resolutions Nos. 671, 675 and 677; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

Mr. Davis (Gibson) moved that rules be suspended for the purpose of introducing House Bill No. 2072 out of order, which motion prevailed.

Mr. Kisber moved that the rules be suspended for the purpose of introducing House Bills Nos. 2074 and 2075 out of order, which motion prevailed.

INTRODUCTION OF BILLS

House Bill No. 2072--To provide for filling of vacancies, Gibson County School District--By Davis (Gibson).

Passed first consideration.

House Bill No. 2074--To regulate general sessions court, Madison County--By Kisber and Tankersley.

Passed first consideration.

House Bill No. 2075--To regulate Madison County Sheriff's Department--By Kisber and Tankersley.

Passed first consideration.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1540--To make certain provisions, auctioneers.

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The Senate lifted tabling motion, reconsidered passage of the bill, reconsidered adoption of Senate Amendment No. 2, withdrew Senate Amendment No. 2; refused to recede from its action in adopting Senate Amendments Nos. 3 and 4; then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1819--To amend Title 47, Chapter 24, Code.

The Senate refused to recede from its action in adopting Senate Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

1857--To require provisions, certain health and accident insurance policies.

The Senate concurred in House Amendments Nos. 1 and 2 and nonconcurred in House Amendment No. 3.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

BILL RE-REFERRED

On motion of Mr. Drew, House Bill No. 1814 was recalled from the Committee on State and Local Government.

On motion of Mr. Drew, House Bill No. 1814 was referred to the Committee on Finance, Ways and Means.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 308, for further consideration.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

FURTHER CONSIDERATION OF SENATE BILL NO. 308

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Senate Bill No. 308--To make certain provisions, subsurface sewage disposal systems.

Mr. Hillis moved that the motion to reconsider Senate Bill No. 308 be lifted from the table, which motion prevailed.

Mr. Hillis moved that the House reconsider its action in passing Senate Bill No. 308 on third and final consideration, as amended, which motion prevailed.

Mr. Hillis moved to amend as follows:

AMENDMENT NO. 9

Amend Senate Bill No. 308 by deleting the following:

"The duty to enter into an agreement or contract shall be mandatory for the commissioner when a request is made to the commissioner by the county executive of such county;"

and substituting the following:

"The duty to enter into an agreement or contract shall be mandatory on the commissioner in counties of the first class and the second class which are administering a subsurface sewage disposal program on the date of passage of this Act, and in other counties the duty to enter into an agreement or contract shall be mandatory for the commissioner when a request is made to the commissioner by the county executive of such county;"

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 308, as amended, passed its third and final consideration by the following vote:

Ayes	85
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Cross, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Drew, Duer, Frensley, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Jared, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McNally, Miller, Montgomery, Moody, Moore, Murphy, Murray, Naifeh, Nance, Napier, Patterson, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood and Work--85.

A motion to reconsider was tabled.

BILL RECALLED

On motion of Mr. Bragg, House Bill No. 1335 was recalled from the Senate.

Mr. Jared moved that all messages from the Senate be placed on the Message Callendar for Monday, April 7, 1986, which motion prevailed.

Mr. Murphy moved that today's Message Calendar be moved to the heel of the Message Calendar for Monday, April 7, 1986, which motion prevailed.

MOTION TO RECALL

Mr. Robinson (Davidson) moved pursuant Rule No. 77 House Bill No. 2004 be recalled from the Committee on Calendar and Rules.

Mr. Moody filed the following objection.

Mr. Speaker:

We object to calling HB 2004/SB 2008 from the Committee on Calendar and Rules pursuant to Rule 77.

- Representative Patterson
- Representative Moody
- Representative Clark (Sumner)
- Representative Williams
- Representative Davis (Knox)
- Representative Lawson
- Representative Dills
- Representative Stafford
- Representative Harrill

Mr. Brewer moved the previous question, on the motion to recall, which motion failed by the following vote:

Ayes	46
Noes	24
Present and not voting	3

Representatives voting aye were: Bewley, Bivens, Brewer, Burnett, Byrd, Collier, Copeland, Cross, Darnell, Davidson, Davis (Knox), Dixon, Drew, Frensey, Gaia, Garrett, Hurley, Kernell, Lawson,

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Love, May, McAfee, Montgomery, Moody, Moore, Naifeh, Nance, Napier, Patterson, Peroulas, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Severance, Stallings, Starnes, Swann, Tankersley, Turner, C. (Shelby), Webb, Whitson, Winningham, Wix, Work and Yelton--46.

Representatives voting no were: Bragg, Buck, Clark (Sumner), Cobb, Davis (Gibson), Duer, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, McCroskey, McNally, Murphy, Murray, Robinson (Davidson), Scruggs, Stafford, Turner (Hamilton), Turner, L. (Shelby), Ussery, West and Williams--24.

Representatives present and not voting were: Ellis, Miller and Wolfe--3.

Thereupon, Mr. Robinson (Davidson) withdrew his motion to recall House Bill No. 2004.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 662--Relative to study, reform in general sessions court system--By Murphy.

The Speaker referred House Joint Resolution No. 662 to the Committee on Judiciary.

House Joint Resolution No. 663--Relative to certain investigations, T.B.I.--By Moore.

The Speaker referred House Joint Resolution No. 663 to the Committee on Calendar and Rules.

House Joint Resolution No. 664--Relative to honoring Baskerville Holmes--By Turner, L. (Shelby) and Jones.

Under the rules, House Joint Resolution No. 664 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 665--Relative to honoring Andre Turner--By Turner, L. (Shelby), Jones and Pruitt.

Under the rules, House Joint Resolution No. 665 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 666--Relative to honoring Cleo Wrap --By Dixon, DeBerry, Nance, Shirley, Hassell, Moore, King, Kent, Byrd, Turner, C. (Shelby), Jones, Drew, Turner, L. (Shelby), Gill and Mr. Speaker McWherter.

Under the rules, House Joint Resolution No. 666 was referred to the Committee on Calendar and Rules.

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House Joint Resolution No. 668--Relative to erecting certain signs on Highway 51, Lauderdale County--By Crain.

The Speaker referred House Joint Resolution No. 668 to the Committee on Transportation.

House Joint Resolution No. 669--Relative to study, exit connecting John Merritt Boulevard to I-40--By Drew.

The Speaker referred House Joint Resolution No. 669 to the Committee on Transportation.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 308--Relative to expressing appreciation, Barbara Wallace.

Under the rules, Senate Joint Resolution No. 308 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 309--Relative to congratulating Coach Donnie Jordan and girls' basketball team.

Under the rules, Senate Joint Resolution No. 309 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 311--Relative to honoring Benjamin L. Smith.

Under the rules, Senate Joint Resolution No. 311 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 312--Relative to congratulating Coach Larry Ricker and girls' basketball team.

Under the rules, Senate Joint Resolution No. 312 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 314--Relative to sympathy, James E. Corcoran.

Under the rules, Senate Joint Resolution No. 314 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 320--Relative to appreciation, Gayle Sayers.

Under the rules, Senate Joint Resolution No. 320 was referred to the Committee on Calendar and Rules.

INTRODUCTION OF BILLS

House Bill No. 2056--To provide for advisory referendum

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Lexington--By Ivy.

Passed first consideration.

House Bill No. 2057--To establish building permit system, Obion County--By Tanner.

Passed first consideration.

House Bill No. 2059--To make certain provisions, Henderson--By Stallings and Tankersley.

Passed first consideration.

House Bill No. 2060--To amend Charter, Trimble--By Dills.

Passed first consideration.

House Bill No. 2061--To amend Charter, Clarksville--By Darnell and Ussery.

Passed first consideration.

House Bill No. 2063--To regulate purchasing Chattanooga-Hamilton County Hospital Authority--By Starnes.

Passed first consideration.

House Bill No. 2064--To establish method, termination of employees, Clarksville--By Darnell and Ussery.

Passed first consideration.

House Bill No. 2065--To amend Section 55-5-108, Code--By Kent.

Passed first consideration.

House Bill No. 2066--To authorize judicial commissioners, certain counties--By Davidson.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 1360--To regulate Joint Underwriting Association.

Passed first consideration.

Senate Bill No. 1365--To regulate Joint Underwriting Association.

Passed first consideration.

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Senate Bill No. 1516--To regulate registration, certain motor vehicles.

Passed first consideration.

Senate Bill No. 1562--To define commercial vehicle.

Passed first consideration.

Senate Bill No. 1566--to regulate use, sulfities, food service.

Passed first consideration.

Senate Bill No. 1666--To regulate ad valorem real property taxes.

Passed first consideration.

Senate Bill No. 1749--To prohibit persons found guilty, intoxication, operating certain vessels.

Passed first consideration.

Senate Bill No. 1850--To make certain provisions, certificates of title, motor vehicles.

Passed first consideration.

Senate Bill No. 1969--To regulate safety inspection, Public Service Commission.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 2054--To repeal Chapter 728, Private Acts, 1947.

Passed second consideration and held without reference.

House Bill No. 2055--To amend Charter, Trenton.

Passed second consideration and held without reference.

House Bill No. 2058--To regulate General Sessions Court, Wilson County.

Passed second consideration and held without reference.

House Bill No. 2062--To establish Board of Road Commissioners, White County.

Passed second consideration and held without reference.

REPORTS OF STANDING COMMITTEES

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1385 (with amendment), 1386 (with amendment), 1387, 1521 (with amendment), 1949 (with amendment) and 1960.

BRAGG, Chairman.

Under the rules, House Bills Nos. 1385, 1386, 1387, 1521, 1949 and 1960 were transmitted to the Committee on Calendar and Rules.

GENERAL WELFARE

MR. SPEAKER: Your Committee on General Welfare begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1838, 1910 (with amendment); House Joint Resolutions Nos. 600 and 619.

STARNES, Chairman.

Under the rules, House Bills Nos. 1838, 1910; and House Joint Resolutions Nos. 600 and 619 were transmitted to the Committee on Calendar and Rules.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 759 (with amendment), and 2004 (with amendment).

MURPHY, Chairman.

Under the rules, House Bills Nos. 759 and 2004 were transmitted to the Committee on Calendar and Rules.

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 2038 and further recommend that pursuant to House Rule No. 70, House Bill No. 2038 be referred to the Committee on Finance, Ways and Means.

BUCK, Vice-Chairman.

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Pursuant to House Rule No. 70, the Speaker referred House Bill No. 2038 to the Committee on Finance, Ways and Means.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Monday April 7, 1986: House Bills Nos. 1550, 1205, 1171, 1716, 2011, 1623, 1494, 864, 1419, 2002, 1767, 1668, 1537, 1536, 1534, 1222, 1962, 1811, 1650, 1644, 1442, 428, 1828; House Joint Resolution No. 497; and House Bills Nos. 2012, 1837, 1851, 1787, 1881, 2026, 1653, 1710, 1374, 1684, 1782, 1917, 1959, 1523, 1422, 1418, 1951, 1221, 1598, 1762, 1955, 1553 and 1960.

GILL, Chairman.

BILL RECALLED

On motion of Mr. Murphy Senate Bill No. 1140 was recalled from the Senate.

BILLS RE-REFERRED

On motion of Mr. Murphy, House Joint Resolution No. 662 was recalled from the Committee on Judiciary.

On motion of Mr. Murphy, House Joint Resolution No. 662 was re-referred to the Committee on Calendar and Rules.

On motion of Mr. Kernell, House Bill No. 2047 was recalled from the Committee on Commerce.

On motion of Mr. Kernell, House Bill No. 2047 was re-referred to the Committee on Finance, Ways and Means.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1230--Drew

House Bill No. 1326--Turner (Hamilton)

House Bill No. 1412--Turner (Hamilton)

House Bill No. 1879--Turner (Hamilton)

House Bill No. 1883--Henry

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House Bill No. 2026--Hillis

House Bill No. 2065--King

LOCAL BILLS REFERRED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1307, 2018, 2036, 2054, 2055, 2058 and 2062.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Monday, April 7, 1986: House Joint Resolution No. 600; House Resoltuion No. 111; House Joint Resolution No. 546; House Bill No. 1810; House Joint Resolution No. 619; House Bills Nos. 1383, 1838, 1590; House Joint Resolutions Nos. 664, 665, 666; Senate Joint Resolutions Nos. 308, 309, 311, 312, 314, 320; House Bills Nos. 1307, 2108, 2036, 2054, 2055, 2058 and 2062.

GILL, Chairman.

On motion of Mr. Naifeh, the House adjourned until 2:00 p.m., Monday, April 7, 1986.